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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND  
RELATED MATTERS.

Hearing held  
8th floor  
180 Dundas Street West  
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange	Commissioner
P.S.A. Lamek, Q.C.	Counsel
E.A. Cronk	Associate Counsel
Thomas Millar	Administrator

Transcript of evidence  
for

March 28, 1984

VOLUME 122

OFFICIAL COURT REPORTERS

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Toronto, Ontario M5B 1J2

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TORONTO, ONTARIO

1 ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
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AND RELATED MATTERS.

3

4 Hearing held on the 8th Floor,  
5 180 Dundas Street West, Toronto,  
Ontario, on Wednesday, the 28th  
day of March, 1984.

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THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner

THOMAS MILLAR - Administrator

MURRAY R. ELLIOT - Registrar

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APPEARANCES:

E. CRONK	Commission Counsel
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B. SYMES	Counsel for the Registered Nurses' Association of Ontario and 35 Registered Nurses at The Hospital for Sick Children

(Cont'd) ..





1           APPEARANCES (Cont'd):

2

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Counsel for Susan Nelles -  
Nurse

4           E. FORSTER

Counsel for Phyllis Trayner -  
Nurse

5           J.A. OLAH

Counsel for Janet Brownless -  
R.N.A.

6           B. KNAZAN

Counsel for Mrs. M. Christie -  
R.N.A.

7           S. LABOW

Counsel for Mr. & Mrs. Gosselin,  
Mr. & Mrs. Gionas, Mr. & Mrs.  
Inwood, Mr. & Mrs. Turner, Mr. &  
Mrs. Lutes, and Mr. & Mrs.  
Murphy (parents of deceased  
children)

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Counsel for Mr. & Mrs. Dominic  
Lombardo (parents of deceased  
child Stephanie Lombardo); and  
Heather Dawson (mother of  
deceased child Amber Dawson)

9           W.W. TOBIAS

Counsel for Mr. & Mrs. Hines  
(parents of deceased child  
Jordan Hines)

10          J. SHINEHOFT

Counsel for Lorie Pacsai and  
Kevin Garnet (parents of  
deceased child Kevin Pacsai).

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VOLUME 122

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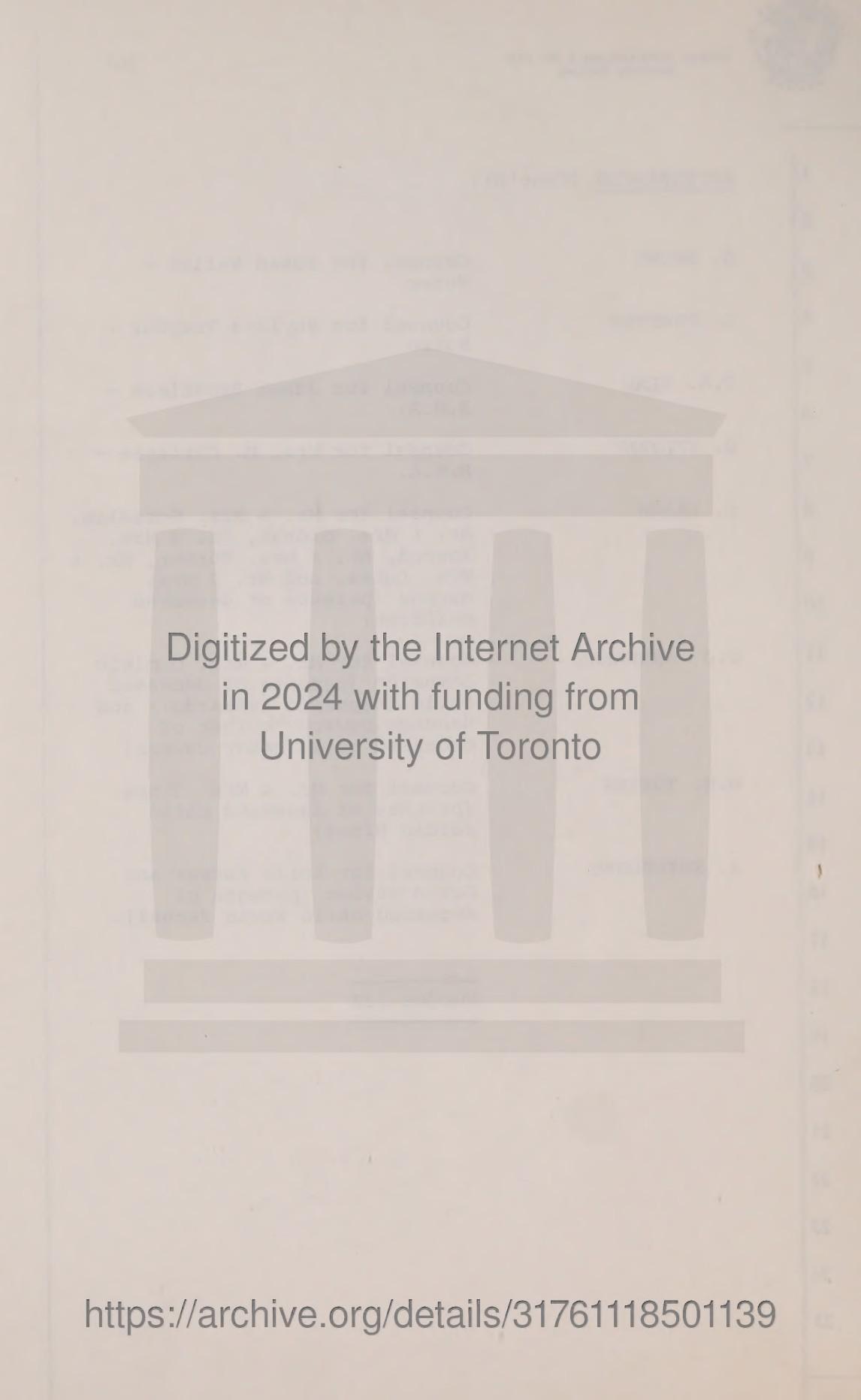
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1                   E R R A T A

2	Volume	Page	Line	Discrepancy
4	119	7019	16	Should read: "I think between 8:30 and 10."
5		7208	13	Should read: "Yes."
6		7228	18	" .. she did become .. " should read: "... she did not become .."
8	120	7239	3	"parent" should be "pantry"
9		7293	11,13	Heibut should be Heilbut.
10		7301	10	"Moran" should be "Morrin".
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INDEX OF WITNESSES

2

NAME

Page No.

3

CHRISTIE, Marianna (Resumed)

7752

4

Cross-Examination by Mr. Brown	7753
Cross-Examination by Ms. Forster	7764
Cross-Examination by Ms. Cecchetto	7782
Cross-Examination by Ms. Symes	7802
Cross-Examination by Mr. Tobias	7812
Cross-Examination by Mr. Shinehoff	7822
Cross-Examination by Mr. Shanahan	7840
Cross-Examination by Mr. Labow	7842
Cross-Examination by Mr. Olah	7847
Re-Examination by Mr. Knazan	7871
Re-Direct Examination by Ms. Cronk	7872

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DM.jc  
A

1

2 ---- On commencing at 10:00 a.m.

3 MARIANNA CHRISTIE, Resumed

4 THE COMMISSIONER: Yes, Mr. Brown, I  
5 think you are next.

6 MR. BROWN: Yes, Mr. Commissioner.

7 Sir, before we start I thought, if I  
8 might make one comment. There was a report on the  
9 CBC radio this morning, and you may not listen to  
10 that station and if that is the case there is no need  
11 to make this comment. The announcer stated that  
12 during the course of argument yesterday in the Court  
13 of Appeal, Mr. Sopinka indicated that he would be  
14 seeking an adjournment of this session until the  
15 release of the Decision of the Court of Appeal. That  
16 report is inaccurate. During the course of argument  
17 the Chief Justice asked Mr. Sopinka whether the  
18 Decision of the Court of Appeal would have any effect  
19 on the forthcoming testimony of Miss Nelles and  
20 Mrs. Trayner. Mr. Sopinka indicated that Miss Nelles  
21 was being called to testify before the Inquiry next  
22 Monday, that it was his preference the Reasons for  
23 Judgment be released before that time but in any  
24 event it was not his intention to seek an adjournment  
25 of this Inquiry pending release of the Decision of  
the Court of Appeal. I simply wanted to clarify





A.2

1

2 that point for you.

3

4 THE COMMISSIONER: Thank you very  
5 much, Mr. Brown

6 CROSS-EXAMINATION BY MR. BROWN:

7

8 Q. Mrs. Christie, my name is  
9 Brown and I act for Miss Susan Nelles. You have  
10 indicated to us that from approximately the spring of  
11 1980 to until the time of arrest of Miss Nelles in  
12 March 1981, you had an opportunity to work with her  
13 on the same nursing team, is that accurate?

14

A. That is correct, yes.

15

16 Q. And during the course of that  
17 period of time I take it you had the opportunity to  
18 observe Miss Nelles caring for children and  
19 administering nursing care to various children?

20

A. Yes.

21

Q. Am I safe in saying that?

22

A. Yes.

23

Q. And on the basis of your  
24 observations, what opinion did you form as to Miss  
25 Nelles' abilities as a nurse?

26

A. Well she was pleasant in manner,  
27 polite, frankly, and a good nurse.

28

Q. And in addition to her abilities  
29 as a nurse, I take it from what you have said there

30

31





A.3

1

2

was a fairly good working relationship between you

~~and other babies~~

4

A. Yes.

Q. And from your observations did  
you seem to get along pretty well with the other  
~~babies~~ in the ward?

8

A. Yes.

9

Q. I want to ask you a few questions  
on two babies, the first is Baby Allana Miller and  
the second is Baby Justin Cook.

11

A. Yes.

12

Q. If I could first ask you  
about Allana Miller. Would you please refer to the  
notes which your daughter typed which were based on  
your handwritten notes and they are Exhibit 386?

15

A. Yes.

16

Q. Your description of the events  
of the night of Friday, March 20th, start at the  
bottom of that page, and you have been taken through  
that portion many times before and I would simply  
like to go over it once again. The third line from  
the bottom, a sentence commences:

21

"Shortly before the baby arrested

22

Phyllis and I had been in the room."

23

And I take that to mean Allana Miller's  
room?

25





A. 4

1.

2.

A. Right.

3.

Q. "Baby Allana started choking  
and Phyllis sat her up and I started  
to talk to her and she gave us a  
smile."

4.

I take it those events occurred  
before the child got into difficulty?

5.

A. Right, yes.

6.

Q. On the top of the second page  
you then indicate:

7.

"A half hour later the baby arrested.

8.

While this was occurring Baby Cook  
was crying so I held and rocked him  
but it didn't seem to help."

9.

And then you describe going to  
Mrs. Trayner and seeking her guidance. Questions have  
been asked of you what you meant by the word "this",  
and I believe the last day Mr. Knazan asked you what  
you meant by "this" and you said, and you can correct  
me if I am wrong, that "this" referred to when Allana  
Miller got into difficulties.

10.

A. Correct, yes.

11.

Q. But it was before you heard the  
actual arrest being called?

12.

A. That's right.

13.

14.





A.:

Q. Am I safe in saying then that while Allana Miller was in difficulties it was at that time that you rocked Baby Cook, that you heard him cry and you rocked him and you fed him, and you were aware when you were doing that that Allana Miller was encountering some difficulties?

A. Correct.

Q. Now I believe you said that perhaps you initially went into Allana Miller's room when the Code 25 was called, but you had no further involvement in the child's arrest?

A. That's right.

Q. And you were not present at the time the child died?

A. No.

Q. You were not involved in the post mortem events on the child, cleaning up the room and preparing the child?

A. No.

Q. After the death of the child you saw Miss Nelles at a later period of time that morning, did you not?

A. That's right.

Q. And when did you see her?

A. Maybe half an hour or even later





A. 6

after she passed away.

Q. And what did you see her doing?

A. I just don't recall, I only remember later when she took the baby to see the parents, Allana's parents came, and she took the baby and took it to the parents.

Q. That is the first time you saw her after the child had died?

A. Right.

Q. And I believe there is a quiet room at the end of the ward where you can take a child and the parents can view the child after the child's death.

A. That's right, yes.

Q. And that is what you saw Miss Nelles doing?

A. Yes.

Q. And when you saw Miss Nelles at that time how did she appear to you?

A. Well, she was composed, calm.

Q. Is that the way you would expect a nurse to be, as a nurse is preparing to show the child to the parents after death?

A. Yes.

Q. You would not expect a nurse





A.

under those circumstances to be greatly emotional or  
cheerful, would you?

A. No.

Q. A nurse would have to try and  
be as calm and composed as she could be notwithstanding  
whatever she felt inside?

A. Right.

Q. If I can turn then to Baby  
Justin Cook and the events the night that child died.  
Am I correct that your testimony to date has been  
that around 3 o'clock on the Sunday morning you took  
your break at the nursing station?

A. Right.

Q. And at that time at the  
nursing station you saw, amongst others, Susan Nelles?

A. Yes.

Q. And that is a memory which is  
fixed in your mind?

A. Yes.

Q. And you were present at the  
nursing station for some period of time taking your  
break?

A. Right.

Q. During that period of time  
Miss Nelles was present there also?

24

25





A. 8

1

A. Yes, she was.

2

Q. And it is your recollection  
that some time later, and I think at one point you  
said around perhaps 3:30 or 3:40 somewhere around  
there, although you were not precise, you returned  
to Room 418?

3

A. Right, yes.

4

5

Q. And do you recall Miss Nelles  
and Miss Brownless returning with you?

6

A. That is right, yes.

7

Q. When you went into Room 418 do  
you recall seeing Mrs. Trayner?

8

A. Yes.

9

10

Q. Mrs. Trayner was the only  
person in the room?

11

A. Right.

12

13

Q. And she was caring for Justin  
Cook?

14

A. She was sitting next to Justin  
Cook's bed, yes.

15

16

Q. And when the three of you  
entered the room at that point Miss Nelles was coming  
back to care for Cook, and am I correct in saying  
that Mrs. Trayner, her duties at an end, left?

17

A. Right.

18

19

20

21

22

23

24

25





A. 9

Q. Do you also recall Miss Brownless asking Miss Nelles to care for one of her children?

A. Yes, that was still while we were at our break at the nursing station. She asked at that time if she could feed one baby for her.

Q. And after your break and when you went back in the Room 418.

THE COMMISSIONER: I am sorry, it was Janet Brownless asked Phyllis Trayner?

THE WITNESS: No, she asked Miss Nelles.

THE COMMISSIONER: Oh, asked Miss Nelles?

THE WITNESS: Yes, that's right, if she could feed that baby for her, for Janet Brownless.

THE COMMISSIONER: I'm sorry.

THE WITNESS: If Susan Nelles could feed that baby for Janet Brownless.

THE COMMISSIONER: Yes.

MR. BROWN: Q. It was your understanding that Miss Brownless was asking Miss Nelles to do that after the break?

A. Right.

Q. The three of you after the break went back into Room 418?

A. Correct.

24

25





A. 1.

2.

Q. Mrs. Trayner left?

3.

A. Yes.

4.

Q. Did you see Miss Brownless give  
one of her children to Miss Nelles for care, for  
feeding?

5.

A. No. I believe I took signs on  
my baby in that room, I had a baby in that room too,  
and later I only saw Susan Nelles taking that  
particular baby out of the crib and she wanted to  
feed that baby and I left the room, so I don't know  
anything more.

6.

Q. Before you left the room you  
saw Susan Nelles take a child out of the crib?

7.

A. Yes, that's right.

8.

Q. And that was one of the children  
assigned to Miss Brownless?

9.

A. Right.

10.

Q. Do you recall where that child's  
crib was located?

11.

A. Yes, the first crib on the right-  
hand side next to Justin Cook's bed.

12.

Q. One of the cribs right beside  
Justin Cook's bed?

13.

A. Right.

14.

Q. And you saw Miss Nelles actually

15.





A. 11

2 take the child out of the crib?

3 A. I just saw her attempting,  
4 trying to take it out, trying to take it out, I had  
5 not seen her taking it out, just trying to take it  
6 out

7 Q. You didn't see her do anything  
8 else with that child?

9 A. No.

10 Q. At that point you left the room?

11 A. Right.

12 Q. And the next thing you recall  
13 is hearing the Code 25 for Justin Cook?

14 A. Not right away, because after  
15 that I went to Room 421. I had two babies in that  
16 room too and I had to take signs on those babies and  
17 also feed them, so it would take me a little while.

18 Q. Somewhere around half an hour?

19 A. Could be.

20 Q. It could be a bit more?

21 A. Could be, right.

22 Q. It could be a bit less?

23 A. I don't think so, I could do it  
24 in less time to feed the two babies.

25 Q. It is your recollection that  
what you heard was the Code 25 being called?





A. That's right.

Q. Do you not recall hearing the  
Code 23?

A. No.

Q. Nor do you recall hearing the  
alarm or buzzer beforehand?

A. No.

Q. I'm sorry, I didn't want to  
interrupt you.

A. I only heard 25.

11

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25





P/ak

1  
2 Q. And when you heard the  
3 Code 25 you then went to Room 418?

4 A. That is right.

5 Q. And the arrest events were  
6 in progress?

7 A. Yes.

8 Q. And subsequently the child  
died?

9 A. Yes.

10 MR. BROWN: Thank you, Mrs. Christie.  
11 Those are all the questions I have.

12 CROSS-EXAMINATION BY MS. FORSTER:

13 Q. Mrs. Christie, my name is  
14 Elizabeth Forster and I am here on behalf of  
15 Phyllis Trayner. You indicated you worked on the  
16 Trayner team from the time the Cardiology Ward  
opened on 4A and 4B.

17 A. Correct.

18 Q. Before that you and Phyllis  
19 Trayner were on Ward 5A?

20 A. Yes.

21 Q. Do you regard her as a  
competent nurse?

22 A. Yes.

23 Q. Was she the type of person





1

2

who showed concern for the patients in her care?

A. Yes.

Q. I wanted to ask you a bit  
the evening that the Baby Estrella died. I  
you indicated that you took your coffee  
that night some time around 10:30 or 11:00.

A. Estrella, yes, right.

Q. And you took your coffee  
break at the nursing station?

A. Right.

Q. And you said that with you  
nursing station was Mrs. Trayner, Bertha  
and Janet Brownless?

A. Right.

Q. I believe you also indicated  
that at about 10 minutes after you arrived Sui Scott  
came down to the nursing station and had a cup of  
coffee.

A. Yes, she did.

Q. You indicated that she stayed  
at the nursing station with you for about 10 minutes.

A. Right.

Q. Can you tell me where all  
the nurses were at the nursing station at this time?

A. We got two tables so we have





1  
2      been just sitting all around those tables.  
3  
4

Q.      Is this back of the nursing  
station?

A.      Yes.

Q.      And while you and Mrs. Scott  
Janet Brownless and Mrs. Trayner were at the  
nursing station having your break, do you know of  
anybody who was with Baby Estrella?

A.      No, I do not know.

Q.      I would like to show you 4A  
assignment book which is Exhibit 32A, Tab 13,  
page 39. This indicates the assignment book for  
Saturday, January the 10th.

A.      Right.

Q.      Would you agree with me that  
the 4A nurses on duty that evening was Mrs. Trayner?

A.      Yes.

Q.      Mrs. Scott?

A.      Yes.

Q.      Yourself?

A.      Yes.

Q.      And Miss Brownless?

A.      Yes.

Q.      So if you saw Mrs. Trayner,  
Mrs. Scott and Miss Brownless out at the nursing





1

2

3 station having coffee with you, that would be the  
whole 4A team out there at the same time, would it  
not?

4

A. Right.

5

6 Q. And while you are all out  
at the nursing station, it was quite conceivable  
7 that Janice Estrella was left alone in her room  
8 for that 5 or 10 minute period?

9

A. Right.

10

11 Q. During that time will you  
12 agree with me that anybody could get into that  
13 baby's room without the four of you knowing about it?

14

A. Right.

15

16 Q. You also indicated to  
17 Miss Cronk by the time that Kristin Inwood died  
18 you were aware that there had been another rash  
19 of deaths on the Cardiology Ward during the month  
20 of March. Do you recall that evidence?

21

A. Yes.

22

23 Q. You said that you thought  
24 perhaps the children you were seeing on the fourth  
25 floor were sicker than they had been on Ward 5A.  
Do you recall that?

26

A. Yes, I do.

27

28 Q. Was that in fact a perception

29





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Christie, cr.ex.  
(Forster)

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1  
2 you held, you yourself, that you were seeing  
3 sicker babies?

4 A. Yes.

5 Q. Were you yourself looking  
6 after sicker babies on Wards 4A and 4B than you  
7 had been on Ward 5A?

8 A. I did not look after very  
9 sick babies - in 418 I usually looked after sick  
10 babies.

11 Q. Did you notice any difference  
12 in the condition of the babies you were looking after  
13 on the fourth floors as opposed to the fifth floor?

14 A. Yes, they had been sicker.

15 Q. And the babies you were  
16 looking after tended to be sicker than the ones  
17 you looked after on the fifth floor?

18 A. Yes.

19 Q. Did you find your work  
20 load heavier on the fourth floor?

21 A. Much heavier.

22 Q. In what sense was it heavier?

23 A. You got more patients to  
24 look after. It was different than on 5A.

25 Q. I also wanted to ask you about  
your evidence regarding Baby Cook. You indicated





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Christie, cr.ex.  
(Forster)

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25  
to Miss Cronk that after you took your break the  
that Justin Cook arrested, you went into the  
found the drapes drawn around Justin Cook's  
you recall that evidence?

A. Yes, I do.

Q. Can you tell me, are there  
different drapes or just one drape that pulls  
all around the two sides of the bed?

A. Two different drapes.

Q. Both starting from the head  
bed?

A. Right.

Q. Were the drapes drawn around  
the foot of the bed when you saw them?

A. I saw them drawn from one  
side but you could still see the bed. From both  
angles you could see about more than a foot. They  
had not been drawn altogether.

Q. Were they drawn out on both  
sides?

A. Yes.

Q. Do you recall how far out they  
were drawn?

A. About more than a foot.

Q. They were drawn out more than





1

2

a foot or less --

3

4

A. You could see from one side  
there is a foot and from the other side as well.

5

6

7

Q. I'm having a little difficulty  
understanding your answer. If you pull out the  
drape, can you tell me how far out it would pull?

8

9

A. It was just almost all the  
way except maybe one foot.

10

11

THE COMMISSIONER: I think if I  
understand what Mrs. Christie was trying to say,  
it was not closed.

12

13

THE WITNESS: Correct.

14

15

THE COMMISSIONER: You can only  
draw them. You don't draw them any further out  
from the bed. They just go around the bed, they  
have a track to follow.

16

17

MS. FORSTER: Q. And they were  
not drawn around the foot of the bed?

18

19

THE COMMISSIONER: A foot - that  
is the old non-metric measurement?

20

21

THE WITNESS: Maybe 50 centimetres -  
do we go by that?

22

23

MS. FORSTER: No.

24

25

THE COMMISSIONER: You are ahead  
of your time.





1

2

MS. FORSTER: Q. I take it the  
drapes did not block the window that went from  
the baby's room into the nurses station?

A. The window was just about --  
they did not -- just go on both sides.

Q. So they did not impair the  
vision through the window?

A. No.

Q. Where was Mrs. Trayner sitting?

A. She was sitting between the  
cribs closer to the door.

Q. She was sitting where?

A. Between Justin Cook's crib  
and another baby just between the two cribs, sitting  
in there.

Q. Between the two cribs closer  
to the door?

A. Right.

Q. Was she sitting outside the  
curtain?

A. Yes.

Q. And if one stood at the doorway  
could you see clearly what Mrs. Trayner was doing?

A. You probably could, yes.

Q. And what was she doing?

24

25





1  
2 A. When I came I saw her just  
3 sitting there.

4 Q. Do you know when the drapes  
5 drawn around the bed?

6 A. No, I don't know. I only  
7 er, that is my recollection, when I came back  
8 from my break that those drapes had been drawn.  
That is all I remember.

9 Q. Is it possible they were  
10 drawn before you went on your break?

11 A. Not to my knowledge.

12 Q. Is it possible?

13 A. It is possible, but I don't

14  
15 Q. Were you aware that the  
16 baby had been fretful that evening?

17 A. Very sick you mean?

18 Q. Fretful, difficult to settle  
down?

19 A. I noticed the baby was sleeping  
20 every time I went into the room, that baby had been  
21 sleeping quietly. Of course I was not there all  
22 the time. I had two more rooms to look after but  
each time I remember he was quiet, he was sleeping.

23 Q. Do nurses sometimes draw the





1  
2 drapes around the bed to keep the light out of the  
3 eyes when they are fretful?

A. Sometimes they do.

Q. And I take it that when you  
walked into the room you could see the crib through  
the open part of the drapes. Is that correct?

A. Yes.

Q. If anyone had been behind the  
curtains you would have been able to see that,  
would you not?

A. Yes.

Q. Lastly I wanted to ask you  
if you put these pills in the salad incident that you  
told us about.

A. Yes.

Q. I understand from your  
evidence that when this incident occurred you  
were sitting at a table at the nursing station and  
Mary Lynne Barnett was also at your table?

A. Right.

Q. And those tables, are they  
at the back of the nursing station?

A. At the back, yes.

Q. And there are two tables?

A. Yes.





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7774

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Q. And you said at the other  
table there was Phyllis Trayner and Miss Halpenny  
and Miss Reaper?

A. I believe so, yes.

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EMT/ak

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Q. All right. And later Sui  
Scott came in and sat down at the Phyllis Trayner  
table.

3

4

A. Not right - Sui Scott came  
and Phyllis offered her some of her soup.

5

6

Q. Well. All right. I don't  
want to get into the offering of soup yet, but  
who came to the table first, Phyllis Trayner or  
Sui Scott?

7

8

9

A. Phyllis Trayner came first.

10

11

12

Q. All right. Then Sui Scott  
came and she sat at the same table?

13

14

A. Right.

15

16

Q. The table with Phyllis  
Trayner and Halpenny and Reaper?

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18

A. Right.

19

20

Q. How far apart are these two  
tables? In feet or inches?

21

22

A. Maybe 3 feet or maybe 1 metre  
or whatever.

23

24

Q. About 3 feet?

25

A. Yes.

Q. And where were you sitting  
at your table?

A. I had been sitting at the





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7776

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table close to 4A side. On the west side.

3

Q. Is that the - would you be  
facing 4A or 4B?

4

A. 4B. Facing 4B.

5

Q. Is that also facing the  
other table?

6

A. Oh, yes, facing the other  
table too.

7

Q. All right. You indicated  
that once Mrs. Scott sat down that Phyllis Trayner  
offered her some of her soup.

8

A. Right.

9

Q. And I believe you also  
indicated before Mrs. Scott left the table you  
didn't think that she had had any of her salad?

10

A. No. No.

11

Q. She hadn't had any of her  
salad?

12

A. Not to my knowledge, no.

13

Not that I had seen.

14

Q. If Mrs. Scott testified that  
she had in fact eaten some of her salad you wouldn't  
dispute that, would you?

15

A. No.

16

Q. Now I want to read to you a

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7777

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short passage from the evidence you gave last day.  
I don't think you need a copy of the transcript  
for this, but if you have difficulty following me,  
let me know and I will give you a copy. I am reading  
from Volume 121, page 7695 where you are describing  
what happened when the pills were discovered.

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A. Yes.

8

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Q. And Miss Cronk asked you  
what happened next and you said:

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"A. When Phyllis was still playing  
with her soup, then she notices some  
tablets in her soup or something,  
and stood up, right away and went to  
Sui's salad right away and took a  
fork and looked in the salad under-  
neath, like in the bottom, and then  
she discovered some orange tablets,  
like broken tablets. So she showed  
them to us. So we looked, and I  
looked, and I said they looked like  
vitamin C, you know, vitamin C is  
orange coloured."

Do you recall that evidence?

A. Yes, I do.

Q. First of all you indicated





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7778

that Mrs. Trayner was playing with her soup and hadn't eaten any before the pills were discovered.

A. Yes.

Q. And again if Mrs. Trayner testified that she had in fact tried some of her soup, would you have any reason to dispute that?

A. I hadn't seen her eating.

Q. But if she --

A. I hadn't seen her eating anything.

Q. What were you doing at the time all this was going on?

A. I had been eating my lunch too.

Q. So you weren't sitting there just staring at the other table?

A. No, but I could see everything that was going on.

Q. It is possible that Mrs. Trayner had eaten some of her soup, isn't it?

A. ... I hadn't seen that she had eaten some of her soup, no.

Q. If you were eating your lunch as well you didn't have your eyes constantly fixed on Mrs. Trayner or anybody else at the other table,





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7779

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did you?

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A. Right, but I hadn't seen her eating any of her soup, no.

5

6

Q. No, I understand you didn't see her. All I am saying is it is possible she could have eaten some of her soup because you weren't staring at her the whole time she was sitting there?

10

11

12

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A. No, but I had been watching all the time and she was just stirring her soup with a spoon, that's all. She didn't eat anything, no.

14

15

Q. You would put your head down to eat your lunch, wouldn't you?

16

17

A. No. I was just eating and keeping talking and so --

18

19

Q. Well, if you are eating your lunch and you are talking to other people, you are not constantly focusing your attention on what is going on at the next table?

22

23

A. Not - but that's all, I mean I had been watching her and she wasn't eating, no.

24

25

Q. Well, were you constantly staring at Mrs. Trayner?

26

27

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29

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A. Not constantly, but that's





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7780

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what I know.

Q. Well, if you weren't constantly staring at her it is possible she had eaten some of her soup when you weren't looking?

A. Maybe she did but I haven't seen that.

Q. You also had indicated Mrs. Trayner had been complaining about the fact that her soup was cold. Do you recall that?

A. Yes.

Q. And I suggest to you she wouldn't have been able to complain about cold soup unless she tasted some, would she?

A. Maybe she could feel also the bowl wasn't warm; wasn't hot.

Q. Well if she felt the bowl was cold she probably wouldn't have offered some to Mrs. Scott, would she?

A. Probably, I don't know, but she offered her some soup, yes.

Q. I put it to you that common sense dictates that before she complains about her cold soup she would have tasted the cold soup?

A. Yes, she would.





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7781

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Q. Okay. You also indicated in  
that passage that I read that "Phyllis noticed  
some tablets in her soup, or something."

5

6

How did you know what Mrs. Trayner  
saw in her soup?

7

8

A. She told us. I haven't seen  
those tablets, no, only that is what Phyllis Trayner  
said.

9

10

11

Q. Before she told you that,  
though, you had no idea that she saw anything  
particular in her soup, did you?

12

A. Right.

13

14

Q. Okay. And you then indicated  
that Mrs. Trayner stood up and she went over to  
Mrs. Scott's salad?

15

A. Yes.

16

17

Q. And did you hear Mrs. Scott  
before she left to tell Mrs. Trayner to help herself  
to the salad?

18

A. No. No.

19

Q. Okay. If she had there would  
be nothing unusual in Mrs. Trayner getting up and  
helping herself to some of the salad, would there?

20

A. Right.

21

Q. And after Mrs. Trayner

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7782

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(Forster)

discovered the pills in the soup and the salad,  
what was her reaction?

A. She was upset. She started  
to cry.

Q. And what was Mrs. Scott's  
reaction when she discovered the pills in the  
salad?

A. She was upset too.

MS. FORSTER: Thank you very much,  
Mrs. Christie. Those are all my questions.

THE COMMISSIONER: Miss Cecchetto.

CROSS-EXAMINATION BY MS. CECCHETTO:

Q. Mrs. Christie, my name is  
Lucy Cecchetto and I appear on behalf of the  
Attorney General and the Crown Attorneys and the  
Coroners.

A. Yes.

Q. I would like to ask you a  
little bit more about the pattern that you noticed  
in November, December. Now you have been a nurse  
for approximately - a registered nursing assistant  
for approximately 24 years. Correct?

A. Right.

Q. And at least for 14 of those  
24 years you have been involved in pediatric





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cardiology?

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A. Yes.

4

Q. Right. So you indicated that  
as of November and December you became aware of an  
increased number of deaths on Ward 4A?

5

A. Yes.

6

Q. And it was a pattern you had  
never observed in your 24 years of nursing - of  
your assistantship; correct?

7

A. Right.

8

Q. And it was definitely a  
pattern that you have never observed during your  
14 years in cardiology?

9

A. Yes.

10

Q. And you indicated it was  
upsetting to you?

11

A. Yes, it was.

12

Q. And it was upsetting to  
everybody else on the ward?

13

A. Yes.

14

Q. And it was a matter of  
general conversation?

15

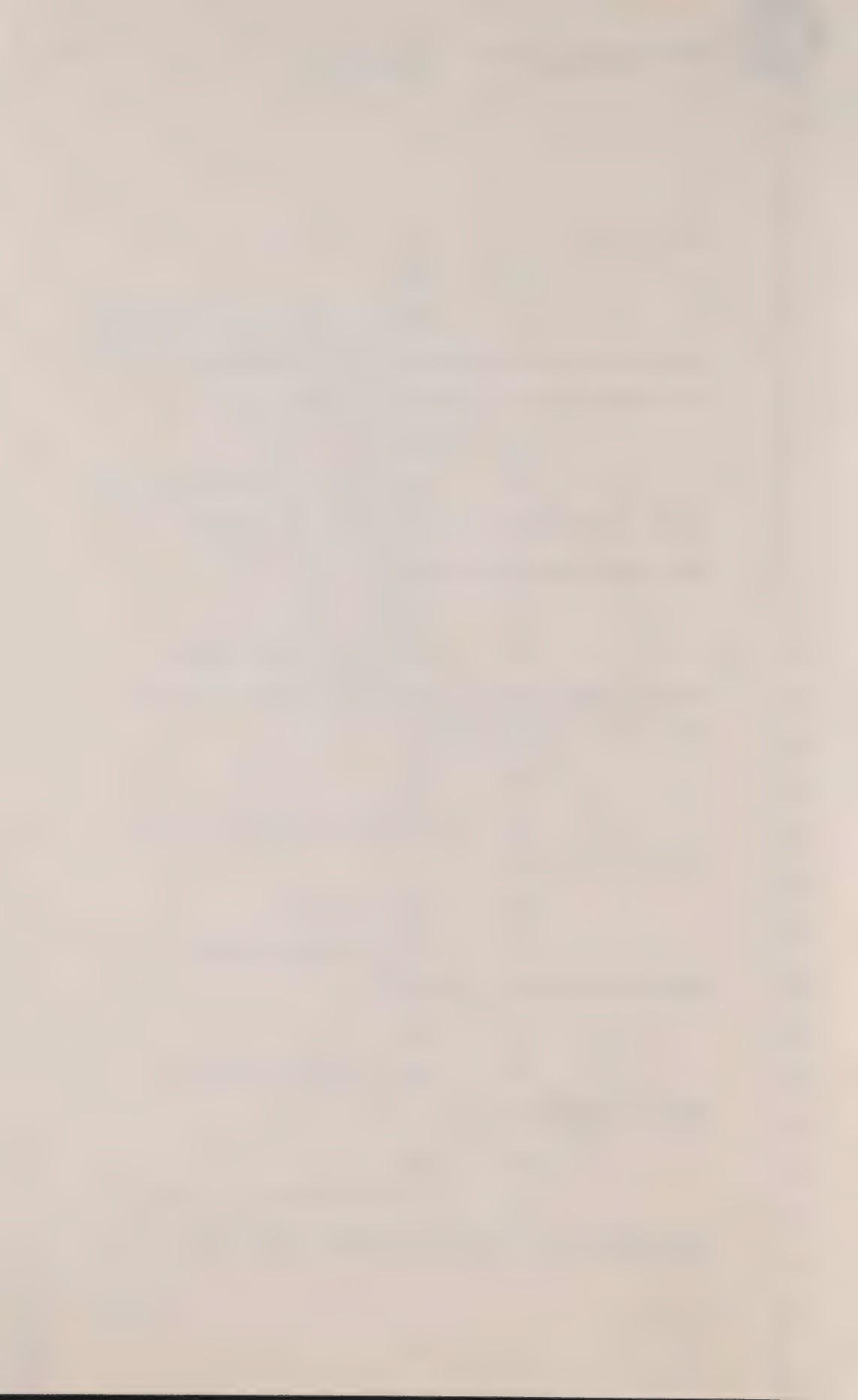
A. Yes.

16

Q. You indicated you tried to  
understand why it was happening, why there were so

17

18





Christie, cr.ex.  
(Cecchetto)

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many deaths?

A. Yes.

Q. And you cast around in your  
mind for a reason?

A. Yes.

Q. And the reason that presented  
itself was that perhaps you were dealing with  
sicker babies?

A. Yes.

Q. But I suggest to you that  
although you felt you were dealing with sicker  
babies you were still concerned that it still seemed  
to be restricted to that single team; is that  
correct?

A. Yes.

Q. And also that it seemed to  
be restricted to certain hours at night?

A. Right.

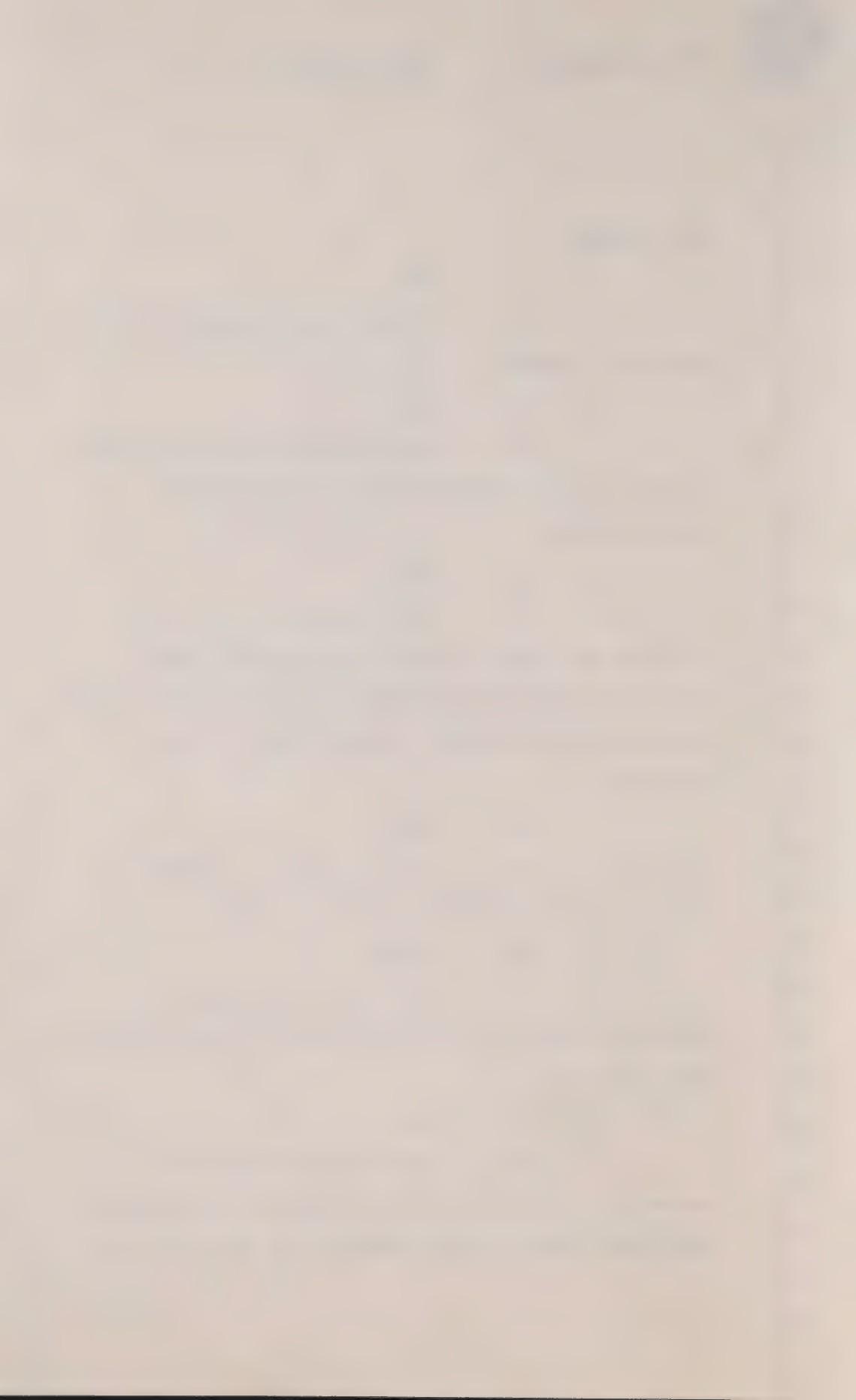
Q. And so you continued to be  
puzzled I suggest notwithstanding you looked around  
for a reason?

A. Yes.

Q. Now we have heard from a  
number of witnesses that this pattern of the night-  
time hours were so well defined that they began to

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watch the clock and if they reached 3 or 4 o'clock without having an arrest they would breathe a sigh of relief. Did you do that too, Mrs. Christie?

A. No, I wasn't aware of that,

14 no

Q. You weren't aware of that?

A. No.

9 Q. But you were aware that it generally occurred after - at a certain time of  
10 night. Were you aware of the fact that it generally  
11 occurred after the nurses had had some breaks?

12 A. Yes. Right.

13 Q. Did it ever come to a point,  
14 Mrs. Christie, where you were concerned about going  
15 to work because you knew that there would probably  
16 be an arrest that night or there would probably be  
a problem?

17 A. I just thought maybe those  
18 babies are very sick and they be much smaller and  
19 younger than those we had on 5A so I just thought  
20 maybe they are just sicker, that's all.

21 Q. But you were concerned and  
22 you still had a lot of questions --

23 A. Yes.

24 Q. -- that were unanswered?

25





1 A. Oh, yes.

2 Q. Now when you discussed this  
the ward did it appear to you that anybody  
3 scussed the matter more than anybody else? Was  
there any particular person who talked about these  
arrests more than anybody else?

4 A. Well, I think the nurses  
have been talking about it, all the nurses, yes,  
5 have been talking about these babies, yes.

6 Q. Was there anybody who stood  
7 Did anybody talk about it more than the others?

8 A. I think Phyllis Trayner,  
9 yes, she did.

10 Q. And do you remember generally  
what Phyllis Trayner said, or did she just express  
11 the concerns that the other nurses were expressing?

12 A. Yes, that was her concern,  
13 about the other nurses, too.

14 -----  
15  
16  
17  
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21  
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DM.jc  
D 1

Q. Now, if we could go to the incident with the soup and the salad. If I could ask you first, Mrs. Christie, you have indicated that there were two tables in the nursing station that night?

A. Right.

Q. And your evidence from the last day was that at one table Phyllis Trayner was seated there?

A. Yes.

Q. Miss Halpenny?

A. Yes.

Q. Mrs. Scott joined them later on?

A. Yes.

Q. And Mrs. Reaper?

A. I believe so, yes.

Q. And at the second table you were seated with Mrs. Barnett?

A. Right.

Q. Do you remember where people were seated in the first table, at the Phyllis Trayner table, do you remember what the seating arrangement was?

A. Phyllis Trayner was sitting at the north end of the table on "B" side.

THE COMMISSIONER: At the north --





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7788

D. 2

THE WITNESS: At the north, that's right, near the window, closest to the window, the north side.

THE COMMISSIONER: The north side? That is the north side, that would be the one away from the entrance, is that right?

THE WITNESS: Right, yes.

THE COMMISSIONER: And she was closest to the window, that would be closest to the window?

THE WITNESS: No, closest to 431, she sitting on "B" side.

THE COMMISSIONER: Oh, "B" side.

THE WITNESS: That's right, the "B" side table, not on the "A" side.

MS. CECCHETTO: Q. And where was Miss Halpenny sitting?

A. Closest to her, she would be sitting on the east side of the table.

Q. And Mrs. Scott, when she joined them?

A. She put her salad close to Miss Halpenny, but she left, she wasn't there all the time, she left, she came and put her salad and she had to go.

Q. I understand that. Could you





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7789

D. 3

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tell us where she was in relation to Mrs. Trayner?

A. She was on the east side before Miss Halpenny.

THE COMMISSIONER: Before, you mean closer to?

THE WITNESS: Miss Halpenny.

THE COMMISSIONER: No, but before, does that mean away from Phyllis Trayner, or closer to Phyllis Trayner?

THE WITNESS: No, away from Phyllis Trayner.

MS. CECCHETTO: Q. And what about Mrs. Reaper?

A. I don't remember exactly, no, I couldn't say.

Q. And you have indicated that from your table you had a clear view ...

A. Yes.

Q. ... of Phyllis Trayner?

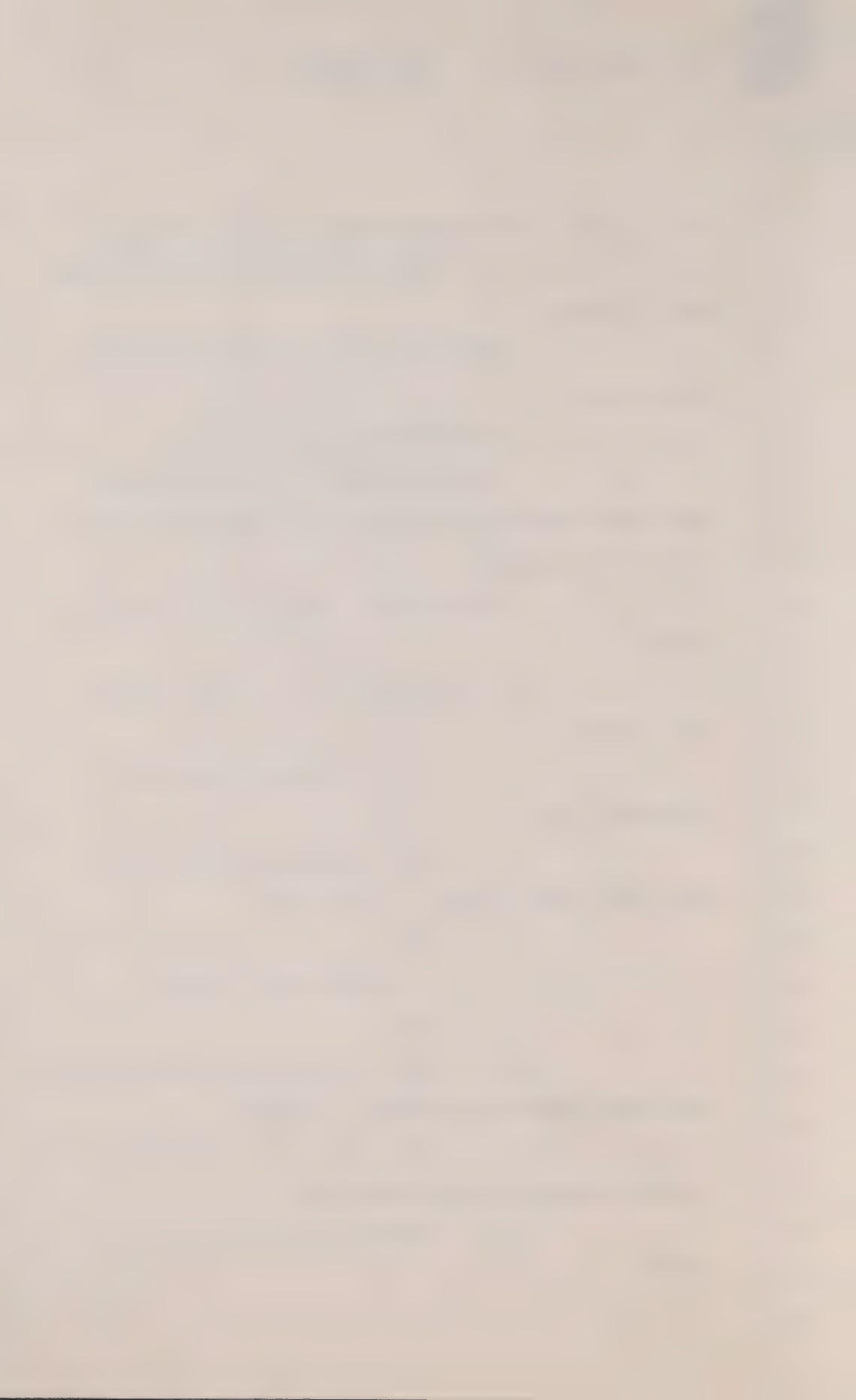
A. Yes.

Q. Now you have also indicated that Sui Scott came and joined Mrs. Trayner?

A. Yes. She came and Phyllis Trayner offered her some soup, yes.

Q. And she put her salad on the table?

25





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7790

D. 4

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A. Right.

3

Q. Now, you testified that you  
couldn't remember seeing Mrs. Scott put any dressing  
on the salad, last week?

4

A. Right.

5

Q. If Mrs. Scott testified that  
she did put the dressing on the salad and tossed it,  
would you disagree with that?

6

A. Maybe she put a small amount,  
could be, could be, but it didn't look much to me.

7

Q. Well, are you saying she didn't  
put any dressing because when you looked at the salad  
there didn't appear to be any?

8

A. Right, with the dressing.

9

Q. But there may have been?

10

A. It may have been, yes.

11

Q. Now you have been questioned  
by Miss Forster this morning as to whether or not you  
saw Phyllis Trayner eat any soup, and you testified  
that you didn't see her eating any soup?

12

A. Right.

13

Q. And you testified last day a  
number of times that you saw Phyllis Trayner playing  
with her soup?

14

A. Yes.

15

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D. 5

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Q. Did it strike you as strange  
that she was playing with her soup, you mentioned a  
number of times that she wasn't eating, she was just  
playing?

3

A. Right, yes. I didn't know how  
come she was just playing, stirring her soup with the  
spoon all the time.

4

THE COMMISSIONER: The question was,  
did you think it strange?

5

THE WITNESS: Yes, yes.

6

MS. CECCHETTO: Q. So you noticed that  
she was playing with it?

7

A. Yes.

8

Q. And that does stick out in your  
mind?

9

A. Yes, it does.

10

Q. And you indicated that Sui Scott  
was called away?

11

A. Right.

12

Q. And can you tell us again what  
you saw Phyllis Trayner do after Sui Scott was called  
away?

13

A. After she got up and she looked  
into Sui's salad, after she was stirring her soup,  
finally, she stood up and she went and looked into

14

15





D. 6

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2 Sui's salad and with the fork she was just looking  
3 and just looking underneath, what was underneath in  
4 the bowl.

5

Q If you can take it in steps.

6

Before she stood up and looked into Sui's salad, did  
she make any comment at all about pills in her soup?

7

8

A I don't recall that. I don't

9

So she got up and went to Sui's  
salad and began to sift through it?

10

11

A Right.

12

13

Q And how did that strike you,  
were you surprised when that happened?

14

15

16

A Yes. It surprised me how come  
she just was looking and playing with the soup, and  
suddenly she just got up and went right away into  
Sui's salad.

17

18

Q Did it appear to you to be  
strange?

19

A Yes.

20

Q That she would do this?

21

A Yes.

22

Q And then what happened?

23

24

A And then she started to cry, and  
somebody went to get Sui and Sui came and Sui was  
upset too.

25





D. 7

Q. She started to cry, and what did she say when she started to cry, Mrs. Trayner?

A. I don't know, because I said to her, when I saw those tablets I said to her they look like Vitamin C, but she didn't say anything.

Q. All right. So when she started to cry did you people go over and see what was the matter?

A. Yes, everybody looked.

Q. And what did you see?

A. I saw some orange coloured tablets underneath in the bottom of the bowl, in the salad bowl.

Q. And you just indicated you told her you thought they were vitamins?

A. Right.

Q. And did Mrs. Trayner say anything in respect to that?

A. No, she didn't say anything.

Q. Did she not suggest they were something else?

A. I think they probably knew what kind of pills they were but nobody said anything, no.

Q. Now, were these pills clearly visible to you?

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25





D.3

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A. Yes.

2

Q. And did they appear to be dissolved in any way?

A. No, not dissolved, they just seemed to be like broken in half.

Q. These are the pills in the salad now?

A. Right, right.

Q. What about the pills in the soup?

A. I haven't seen them.

Q. You didn't see them?

A. No.

Q. I understand, Mrs. Christie, that the food, most of the food is kept in the fridge?

A. Yes.

Q. The food for the lunches?

A. Yes.

Q. And is it common to put a name on your food, for example?

A. No, no, we didn't do that, no.

Q. So - well, let me ask you this.

The food that you were eating that night, was it in any special type of container?

A. No, it wasn't.

Q. Was it in a Tupperware container,

24

25





D. 9

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or was it in a bag, or what was it?

3

A. No. I just brought a sandwich and some salad and food and it was just in a bag.

4

Q. Well, what was the salad in?

5

A. I didn't have a salad that night.

6

Q. Again, going through the preliminary, it struck me that a number of nurses, and you have testified too, had their food in a Tupperware dish that night. Mrs. Scott had it in a Tupperware dish; Mrs. Trayner had it in a Tupperware dish; Mrs. Reaper had it, had her food in a Tupperware dish. That is found, for my friends, at Volume 8 of the Preliminary, pages 32 to 33 and page 60.

7

A. Yes.

8

Q. So if you were looking in the fridge and you saw a number of Tupperware dishes would there be anything to tell you whose Tupperware dish it was?

9

A. No.

10

Q. Now, in this incident with the soup and the salad, after Phyllis Trayner found the pills in Sui Scott's salad, did she check around anybody else's food to see if there was anything in anybody else's food?

11

A. No, she did not.

12

13





D.10

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2 Q. Did anybody else check?

3

A. No.

4

5 Q. Now last day you were asked  
about a phone call and that was cleared up, the phone  
call that you saw Miss Fernandez take. Let me ask you,  
6 did you witness any other incidents, strange  
incidents, any other phone calls that you actually saw?

7

A. No, I did not.

9

10 Q. Did you hear Phyllis Trayner  
talk about any of these other incidents?

11

A. Yes, I did.

12

13 Q. What other incidents did you  
hear Phyllis Trayner talk about?

14

15 A. She had been telling us about  
phone calls, and also that her car was marked, and  
also that she had some mark on her locker and on her  
16 door in her apartment where she was.

17

18 Q. And did she talk about this  
quite a lot?

19

A. Yes.

20

Q. Now, have you got a locker in  
the locker room, Mrs. Christie?

21

A. Yes, I have a locker, yes.

22

Q. Are there names on the lockers?

23

A. No, they are not.

24

25





D.11

Q. So the only way I would be able to locate your locker, for example, was if I knew where it was?

A. Right, and the numbers, there are numbers on the lockers.

Q. But unless I knew your number I wouldn't know?

A. Right.

Q. Now you have indicated last day that you phoned Phyllis Trayner to find out if you should go back to work, so obviously you knew Phyllis Trayner's phone number?

A. Yes.

Q. Did you know where Phyllis Trayner lived?

A. No. I only know that she lived somewhere on Bloor Street and Islington, that's all what I know.

Q. Did you know what Phyllis Trayner's car looked like?

A. I know once she only picked me up when we went to a Christmas party, and I know it was navy blue, that's all.

Q. Did you know where Phyllis Trayner's husband worked?





D.12

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A. No, no. I know that he belongs, that he was assigned to the Army, he was something to do with the Army, that is all what I knew.

Q. I believe he was in the Militia, did you know what branch of the Militia he was in, or where that was located?

A. No, I did not.

Q. Did you know where Phyllis Trayner's bank was?

A. No.

Q. Did you ever hear any conversations about banking, and where Phyllis Trayner's bank was?

A. No, I did not.

Q. Now, if we could just deal with the drapes for a moment in Cook's room, on the night that he died.

A. Yes.

Q. And you indicated that when you came back into the room, after your break, you saw the drapes drawn?

A. Right.

Q. And to the best of your recollection you indicated that you didn't believe they were drawn before you left?





D. 1

A. Right.

Q. And Ms. Cronk dealt with whether or not it was unusual, the other day, to have the drapes drawn. Am I correct in thinking that normally the only time the drapes are drawn is perhaps when a doctor is doing something, or when the parents are there?

A. Yes. Sometimes parents are doing that because they just close the drapes so the light wouldn't bother those little ones, but later we usually put them back again, we don't keep them closed, the drapes.

Q. Was it normal for nurses to draw the drapes?

A. Not really, no.

Q. Was it unusual?

A. Sometimes maybe they did but very seldom, I haven't seen them, no, they have been always open.

Q. And did it strike you as a bit strange that the drapes were drawn?

A. Yes, it did, that is what I remember, what I recollect, it was strange.

Q. Now Ms. Forster asked you some questions about whether or not Mrs. Trayner and Baby





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Christie, cr.ex.  
(Cecchetto)

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Cook were visible when the drapes were drawn. If  
Mrs. Trayner was administering some medication to  
Cook, and Cook was in the baby cot, would that have  
been visible with the curtains drawn?

3

A It depends where you are  
standing, you probably could see that, you probably  
could see it, yes.

4

Q Where would you have to stand  
--- see it?

5

6

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24

A Close to her, where she was,

close to the crib.

-

25





P/ak

Q. If you were just passing by the doorway, would that be visible?

A. Yes, I would think so.

Q. You would think so?

A. Yes.

Q. You would think you could see past the drapes into - I don't understand the two answers, I'm not trying to confuse you, but you indicated that you would have to be close to see someone was administering medication with the drapes drawn.

A. Yes.

Q. Now, if you are walking by the door and you stopped in the doorway and the drapes were drawn as they were on that particular night, would you be able to see anybody administering medication?

A. If you were just walking by you probably could not see. You probably could not see that, no.

Q. I believe you came back into Cook's room some time during the resuscitation attempt. Am I correct?

A. Yes.

Q. Were the curtains drawn at





1

that time or were they pulled back?

A. They had been pulled back at that time.

MS. CECCHETTO: Thank you. Those are my questions, Mrs. Christie.

MR. PERCIVAL: I have no questions of this witness in Phase I of the Inquiry.

THE COMMISSIONER: Thank you.

Mr. Scott?

MR. SCOTT: No questions.

THE COMMISSIONER: Mr. Ortved?

MR. ORTVED: No questions.

THE COMMISSIONER: Ms. Symes?

CROSS-EXAMINATION BY MS. SYMES:

Q. Mrs. Christie, my name is Beth Symes and I represent the Registered Nurses' Association of Ontario and 39 individual nurses.

When you came on shift whether it be the long days or the long nights I gather that the first thing that happened was that you received a report. Is that correct?

A. That is correct, yes.

Q. And that report was given by the nurse who was in charge on the prior shift?

A. Right.





1

2

3 Q. And I gather it is a very  
extensive report as to the condition of each of  
4 the children on Ward 4A?

5 A. Yes.

6 Q. It lasts usually at least

7 30 minutes.

8 A. At least 30 minutes, three-

9 quarters of an hour, yes.

10 Q. And you provided us with

11 Exhibit 388. Could you please have a copy of

12 that. That is the work sheet.

13

14

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Q. And I gather it is a very  
extensive report as to the condition of each of  
the children on Ward 4A?

A. Yes.

Q. It lasts usually at least  
30 minutes.

A. At least 30 minutes, three-  
quarters of an hour, yes.

Q. And you provided us with  
Exhibit 388. Could you please have a copy of  
that. That is the work sheet.

Exhibit 388 which we have marked  
as your work sheet for the night of March 21st/22nd,  
did you make one of these work sheets every shift  
that you worked?

A. Yes, I did.

Q. Would you start to make that  
work sheet at report?

A. That is right, I would.

Q. For example, then on the  
side of 418, that has Thomas Harbin.

A. Yes.

Q. Would you have written down  
the essential information about the Ioselette, the  
SMA and the chest at report?





A. Yes.

Q. Would this information then  
be information that was given to you by the nurse  
in charge from the prior shift?

A. Yes.

Q. So that when the nurse in  
charge was given report did you know before she  
talked about Thomas Harbin that that was going to  
be your patient?

A. Oh, yes.

Q. So when she talked about  
Thomas Harbin would you pay particular attention  
to the information she was giving about that particular  
child?

A. Yes, I would.

Q. And is it fair to say then if  
she were talking about a child to whom you are not  
assigned, say someone else were assigned, maybe  
Nurse Scott, you would be paying less attention?

A. Right, that is correct.

Q. Because in the questions that  
Miss Cronk asked you about certain of the other  
babies you seemed to have very little memory about  
their other conditions.

A. That is right.





Q. Is that because you were not particularly assigned to them?

A. That is right, yes.

Q. I would gather from the fairly detailed information that you have on Thomas Harbin Exhibit 388 that a full and detailed report would be provided to the oncoming shift?

A. Yes.

Q. So just to get things straight even though you cannot remember what was said about specific babies it would have in fact been daily reported to the nurse coming on?

A. It would have, yes.

Q. And it was just your practice specifically recall the babies that you were assigned?

A. That is right, yes.

Q. Now, you have talked about lunch breaks that your side took, 4A, and what was the usual time for taking those lunch breaks?

A. We never had a set lunch break but we usually took them - the first break would be about between 10:30 and 12 o'clock and the other lunch break would be maybe between 1:00 and 3:00, it depends. Whenever we could then we





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took our break.

3

4

Q. Was is the practice to have  
lunch together?

5

A. Yes, it was.

6

7

8

9

So that if physically  
possible that is if the conditions of the children  
warranted it, would all of the members of the 4A  
team have lunch together?

10

11

12

13

A. Yes, they would.

14

15

16

17

18

19

Q. I gather this of course would  
not be possible if a baby was on constant nursing  
care or shared nursing care.

20

21

22

23

24

A. Right.

25

THE COMMISSIONER: It would be  
possible.

26

27

28

29

MS. SYMES: Q. It would be possible  
but that was not the practice. If a baby was  
on constant nursing care or shared nursing care  
the rule was that a nurse had to be there to care  
for that child at all times.

30

31

32

33

34

35

A. She should be, yes.

36

37

Q. And other than the two  
occasions that you have told us on the night of  
Janice Estrella's death do you ever recall a child  
being left unattended who was on constant nursing care?





1

A. I don't recall, no.

2

3

4

5

6

I would like to take you to  
a situation then in which no child on 4A is either  
on shared nursing care or constant nursing care,  
that kind of a stituation.

7

A. Yes.

8

I gather what you are saying  
is if possible the nurses would have lunch together.  
Is that correct?

9

A. Right.

10

11

And would they also tend to  
have that early coffee together?

12

13

A. Yes.

14

Q. If possible?

15

A. Yes.

16

Q. Was that just a social thing,  
that is nice to all eat together?

17

A. Yes, it is.

18

19

Q. We have a diagram, a large  
chart of the ward and we have marked - this is  
Exhibit 337 - we have marked here the nursing  
station and then we have the nursing counter out  
in front of the nursing station.

20

21

A. Yes.

22

23

Q. When did the ward clerk or

24

25





1

what we call the unit clerk go home?

A. We had one and she used to be on until 10:30 or 11:00 at night.

Q. I gather that when she was on duty she would be sitting at the counter. Is that correct?

A. Correct.

Q. And after 10:30 or 11:00, he would not be sitting at the counter?

A. No.

Q. The tables that you had lunch at, that you described the Estrella and the Cook and the pill incident, could you show us where they are in this diagram in relation to those three windows either side?

A. You mean in these rooms?

Q. There are three windows marked here.

A. That is right, three windows.

Q. Could you just help us please, can you tell us where the tables are located where the nurses had lunch?

A. About here. Here would be one table and here would be another table.

Q. Just so I can understand it,

24

25





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Christie, cr.ex.  
(Symes)

1  
2 you are indicating then the furthest north window  
3 on 418 and the furthest north window on Room 431.

4 A. Yes.

5 Q. In other words, right up against  
6 the window to the north..

7 A. Yes.

8 Q. And when the nurses were  
9 eating the meal would they tend to sit down to eat  
10 their meal?

11 A. Yes.

12 Q. I gather the nurses could  
13 make coffee or tea?

14 A. Yes.

15 Q. Where was the coffee and tea  
16 located?

17 A. That is the counter there.

18 Q. Just so I can indicate, those  
19 windows No. 2 and 3 are on the wall facing Room 418.

20 A. And it also could be either  
21 here or could be on this side on the wall opposite  
22 Room 431.

23 Q. On the wall opposite Room 431?

24 A. That is right. There was an  
25 outlet and we could make coffee or boil water or  
make coffee.





1  
2  
3 Q. And where are the nurses' lunches kept?

4 A. In the fridge.

5 Q. Where is the fridge?

6 A. That would be the pantry.

7 Q. In Room 416?

8 A. Yes.

9 Q. So if we have a night in  
which the nurses are all able to have lunch together  
10     they would be sitting then at these two tables in  
11     the nursing station?

12 A. Yes.

13 Q. If you were seated at those  
14     tables in the nursing station could you see  
15     anyone come up or down from Stair No. 2 on the  
diagram into Ward 4A?

16 A. No, you could not.

17 Q. Would it be possible for  
18     example for someone to come into Room 423 and  
19     leave and not be seen by anyone at the nursing station?

20 A. No, it is possible that someone  
could come but you would not see.

21 Q. Would it be possible to come  
22     from Stair No. 2 into Room 418 and leave by the  
23     same stairway and not be seen by the nurses in the





1

2

nursing station?

3

A. Yes.

4

Q. And on typical nights when you  
are having dinner altogether at the back of the  
nursing station how long might you all be together,  
that is all the members of Team 4A?

5

A. It could be maybe between half  
an hour to one hour. The first break is usually  
half an hour and the second break is a little longer.  
It could be at one hour.

6

Q. So the break that is usually  
taken after midnight would generally be longer  
than half an hour?

7

A. Yes.

8

Q. This is the time when if  
possible, that is if there were no emergency or  
a child needing attention at that particular time  
you would all gather for a social occasion to have  
lunch on your break?

9

A. Yes.

10

Q. In other words, it was not  
the policy then to leave one person out on the  
floor while the rest of you were having lunch?

11

A. No, it was not the policy, no.

12

Q. Do you know just from what

13

14

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16

17

18

19

20

21

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you observed of the 4B team's operation whether  
they tended to have lunch together?

4

5

A. Yes, they had lunch together  
at the same time.

6

7

Q. Again a social thing, if  
possible to have lunch together?

8

9

A. Right.

MS. SYMES: Those are my questions,  
thank you.

10

11

THE COMMISSIONER: Mr. Tobias, I  
think you are next?

12

13

MR. TOBIAS: Yes, I will be very  
brief, Mr. Commissioner.

14

CROSS-EXAMINATION BY MR. TOBIAS:

15

Q. Good morning, Mrs. Christie.  
My name is Warren Tobias and I represent the  
parents of Jordan Hines, one of the babies who  
died in March of 1981. You have already told us  
that you really do not recall that child or any  
of the events surrounding his terminal events. You  
mentioned the other day I believe, the first day  
you testified, that you had been at the Hospital  
a total of 24 years as a registered nursing assistant.

22

A. Yes.

23

Q. Tell me something. Over

24

25





1  
2 that time, when was it approximately, if you can  
3 recall, that they introduced into the Hospital  
4 monitors. When you first started there 24 years  
ago did they have cardiac monitors?

5 A. Yes, they did have some, not  
6 as many as now, but we had some, yes.

7 Q. And I understand also now  
8 the Hospital has something called an apnea monitor.  
9 Is that correct?

10 A. Yes.

11 Q. When was that first introduced  
12 into the Hospital? Did they have them 24 years ago  
13 when you started?

14 A. At that time when I started  
15 we did not have babies on our floor. I started  
16 to work on a surgical floor and we only had boys  
17 5 to 15 years old with that group, so I had not  
18 seen them on our floor. But when we came to 5A  
we had them on little babies, yes, we had them.

19 Q. So at the time you started  
20 on 5A they did at that time already have them.  
21 That would have been, do I have it correctly, in 1970?

22 A. Yes.

23 Q. Now, you therefore have  
24 experience with apnea monitors going back about





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14 years?

3

A. Yes.

4

Q. Has there been a lot of

5

anges in the kinds of apnea monitors used in  
the Hospital over those 14 years?

6

A. I could not really say much  
because we had them very seldom on our flocr. We  
did not have many patients on those apnea monitors.

7

Q. We have heard evidence from  
several nurses as to how apnea monitors work.  
I understand that there is a setting on the back of  
the monitor and that you can set it and depending  
on the setting the monitor will go off after a  
certain length of time that the baby has not  
recorded a breath.

15

A. Yes.

16

Q. Do I have that correct? Is  
that how it works?

18

A. Yes.

19

Q. I take it the apnea monitor  
can go off but that does not necessarily in every  
case lead to the calling of a code. Do I have  
that correctly?

22

A. Yes.

23

Q. So the absence of the

24

25





Christie, cr.ex.  
(Tobias)

1

2 calling of a code does not mean to say that the  
3 apnea monitor has not gone off?

4 A. That is correct.

5 THE COMMISSIONER: When they go  
6 off do they make a noise?

7 THE WITNESS: Oh yes, they do make  
8 a noise.

9 THE COMMISSIONER: Both the  
10 cardiac and the apnea, can you tell the difference  
11 in the noise?

12 THE WITNESS: Yes.

13 -----  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25





EMT.jc  
F

THE COMMISSIONER: In the next room could you tell which monitor it was which was going

THE WITNESS: They have beeping, like apnea monitor, beeping. Beep-beep-beep.

THE COMMISSIONER: Well, a cardiac monitor, what is it like?

THE WITNESS: A cardiac monitor makes also a noise but it is like, all the time a noise.

THE COMMISSIONER: All right.

MR. TOBIAS: Q. If you are not in a patient room where a patient is on an apnea monitor, would you hear that monitor if it went off?

A. You should be able to hear it,

Yup.

Q. All right. Would it depend how far away you were?

A. Right. Yes.

Q. Now if you were on the 4A side --

A. Yes.

Q. --- and the child was on the 4B side, the child on the apnea monitor.

A. Yes.

Q. Would you be able to hear that apnea monitor if it went off even if you were on the other side?





F.2

1

2 A. No, I don't think so.

3

Q. Okay. Fine. So that really if  
I were to ask you about a particular baby and any  
recollection you might have about that baby getting  
into trouble if he was on the other side of the ward  
from where you were the only thing that would really  
help you is if you heard a Code called?

4

A. Correct.

5

Q. If a Code is called I take it  
you usually go down and see which baby it is that the  
Code is called for?

6

A. Right.

7

Q. And you have no recollection of  
ever having been around when a Code was called for  
Jordan Hines, do you?

8

A. I don't remember. I don't recall.  
I probably had been but I don't recall.

9

Q. Now that's a fair answer. Let  
me ask you this: if you had been in the Hospital  
when a Code, either a 23 Code or a 25 Code, was called  
for the baby if you had been there is that something  
significant enough that you probably would remember it?

10

A. Oh, yes.

11

Q. Okay. And yet you have no  
recollection today of ever having heard a Code called

12

13





F. 3

for Jordan Hines. Is that fair?

A. Fair.

Q. Okay. Fine.

Now did you ever have any discussions with anybody at the Hospital after Jordan Hines died about what the cause of death was?

A. No.

Q. So you have no personal knowledge as to any inquiries that might have been made or questions asked or explanations given by anyone?

A. Right.

Q. Okay. Now up until today, to this very day, do you have any personal knowledge about what the cause of death was?

A. Well, I read later about Baby --

THE COMMISSIONER: No, sorry.

Personal knowledge.

MR. TOBIAS: Well, wait --

THE COMMISSIONER: I don't know what you mean. You mean, whether you mean legal personal knowledge?

MR. TOBIAS: All right. Let me clarify it.

Q. I don't want to know right now anything you might have been told by someone else. Have





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F. 4

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2 you heard anything yourself with your own ears up  
3 until today regarding what the cause of death was?

4 THE COMMISSIONER: That, I am sorry,  
5 is the same question. You said you didn't want to  
6 hear it and now you are asking it.

7 MR. TOBIAS: Okay. That's true. Let  
8 me back up.

9 MR. SCOTT: Why not go forward.

10 MR. TOBIAS: Well, going forward is a  
11 good idea, Mr. Scott. Perhaps you can give me a gentle  
12 push to help me.

13 Q. Let me ask the question this  
14 way, Mrs. Christie: Today do you know what the cause  
15 of death was with respect to Jordan Hines?

16 A. I think I read it, yes, but I  
17 just don't remember exactly.

18 Q. Okay. Now before you tell me  
19 what you read where did you read it? In his chart,  
20 in his report --

21 A. No, in a newspaper.

22 Q. In a newspaper? Okay, fine.

23 Now what I would like to ask you is  
24 this: you have been at the Hospital you say for 24  
25 years. You have had I take it about 14 years'  
experience working with infants. Do you know very





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F.5

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2 much at all about Sudden Infant Death Syndrome?

3

4 A. Yes, but we have them very  
seldom on our floor. Very seldom.

5

6 Q. I am sorry, I didn't catch the  
answer?

7

8 A. We didn't have them on our floor.  
Very seldom they came to us.

9

10 Q. Okay. Fine. You know what  
Sudden Infant Death Syndrome is, though?

11

A. Yes.

12

13 Q. You have heard of it and you  
have some information regarding it?

14

A. Yes.

15

16 Q. During the course of the time  
17 that you have been at the Hospital working with infants  
which goes back some 14 years, can you recall personally  
any babies who were in the Hospital who died from  
Sudden Infant Death Syndrome?

18

A. Not on --

19

Q. Do you recall any case like that?

20

A. Not on our floor, no.

21

22 Q. Okay. Can you recall in  
particular any babies whether on your floor or else-  
where in the Hospital who died being in the Hospital  
from Sudden Infant Death Syndrome while they were  
being monitored?

23

24

25





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(Tobias)

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F.6

1

A. No.

2

Q. Do you recall any case like that?

3

A. No.

4

MR. TOBIAS: Those are all my  
questions, thank you.

5

THE COMMISSIONER: Mr. Shinehoft, do  
you want to go now?

6

MR. SHINEHOFT: I certainly intend to  
be longer than five minutes, Mr. Commissioner. If you  
want to take your break now it is fine.

7

THE COMMISSIONER: Whatever you want.

8

Now do you want --

9

MR. SHINEHOFT: It might be better  
if you take the morning break perhaps now.

10

THE COMMISSIONER: All right.

11

MR. TOBIAS: Mr. Commissioner, I  
might offer to be of some assistance. I spoke with  
Mr. Labow last evening and I was under the impression  
that he had some questions for this witness. Over  
the break I will try to contact him and --

12

THE COMMISSIONER: Would you? Would  
you tell him that --

13

MR. TOBIAS: -- and advise him that he  
would be called on very shortly.

14

THE COMMISSIONER: It is a case of

15

25





F. 7

now or never I think.

MR. TOBIAS: Yes. I can well understand.

THE COMMISSIONER: And Mr. Shanahan I guess is at the Provincial Court somewhere?

MR. SHINEHOFT: He said last time, Mr. Commissioner, that --

THE COMMISSIONER: That he didn't have any questions? All right. Thank you.

All right. We will take twenty minutes.

--- Short recess

--- On resuming:

THE COMMISSIONER: Yes, Mr. Shinehoft?

MR. SHINEHOFT: Thank you, Mr. Commissioner.

CROSS-EXAMINATION BY MR. SHINEHOFT:

Q. Mrs. Christie, my name is Jack Shinehoft and I represent the parents of Kevin Pacsai.

You have given evidence, Mrs. Christie, that you have some information and knowledge about this baby. Is that not correct?

A. Yes.

Q. I believe you were working the





F.8

1

2

long night shift on March 11th, 1981?

3

A. Yes.

4

Q. Is that correct?

5

A. Yes, that's correct.

6

Q. I believe your evidence was that  
you were in Room 418 taking care of a particular child  
around ten to four in the morning?

7

A. Right.

8

Q. Is that correct?

9

A. That's correct.

10

Q. And that Phyllis Trayner was in  
that room with you?

11

A. Right.

12

Q. And she was taking care of  
another baby?

13

A. That is right.

14

Q. Were there just the two of you  
in the room?

15

A. At that time, yes, she was just  
attending a little baby in an Isolette in that room,  
yes.

16

Q. And there was someone else that  
was assigned to that child or was she assigned to that  
child?

17

A. I don't think so she was

18

19





F.9

1

2 assigned to that child, no.

3 Q. Do you recall who was assigned  
4 to that child?

5 A. I believe I was assigned to  
6 that child too.

7 Q. Is there a particular reason  
8 why she was taking care of that child while you were  
9 in the room?

10 A. No, I don't know why. No, I  
11 have no idea.

12 Q. But nevertheless you indicated  
13 that you heard an alarm. Now can you recall what kind  
14 of alarm that you heard?

15 A. I believe it was a general  
16 hospital alarm.

17 Q. Now is that a Code 25?

18 A. Not that I can recall. No, just  
19 for the Hospital, like general alarm.

20 Q. Perhaps you could enlighten me  
21 because I am not sure I know what a general hospital  
22 alarm is?

23 A. Yes.

24 Q. What exactly happens when that  
25 alarm is sounded?

26 A. Well, you just press a button





F.10

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2

and you can hear that some particular room needs some  
attention.

3

Q. How do you know which room  
needs the attention?

4

A. Oh, because it is lighted at  
the nursing station and also above the room it is a  
light there so you could see.

5

Q. Okay. But if you were not  
either in the nursing station or in the hallway to  
look at the light that would be flashing, could you  
tell what room the particular Code is being called from?

6

A. You would be - you would hear  
that but you would go and see which room it was, yes,  
you would know where it was.

7

Q. But if you were in a different  
room you wouldn't know where that alarm was sounded  
from, would you?

8

A. No, that's right.

9

Q. And your evidence I believe,  
Mrs. Christie, was that Mrs. Trayner left the room,  
and approximately five minutes later you went to find  
her?

10

A. Right. I went to talk with her,  
yes.

11

Q. And the purpose of that was to

12

13





F.11

1

2 receive instructions from her as to what to do with  
3 the child that she had been taking care of?

4 A. Not only that child, but for  
5 the other babies, other children on that floor as well.

6 Q. And you say that you went to  
7 Room 431?

8 A. Right.

9 Q. Is that correct?

10 A. That is correct, yes.

11 Q. How did you know which room  
12 to go to?

13 A. Well, I wouldn't know. I just  
14 went and I saw everybody there so that is why I  
15 stopped. I didn't know it was in that room but I  
16 just went in and saw --

17 Q. So you were going to go from  
18 room to room until you found her?

19 A. Yes.

20 Q. Is that right?

21 A. Yes.

22 Q. You say that when you went  
23 into the room Phyllis Trayner was there?

24 A. Yes.

25 Q. Were there other nurses there?

A. Yes.





F.12

1

2

Q. Who were they?

3

A. Susan Nelles was there and 5B  
nurses - 4B nurses also but I don't recall who else  
was there. But some other nurses as well.

4

Q. Let me ask you about that,  
Mrs. Christie. Were you not familiar with the 4B  
nurses?

5

A. Oh, yes, I am, but I don't  
recall. I don't remember now exactly.

6

Q. Well, if I were to provide you  
with the WIN sheets --

7

A. Yes.

8

Q. -- that would indicate which of  
the 4B nurses were on duty at that time, would that be  
of assistance to you, Mrs. Christie?

9

A. Yes, I believe - I am not sure  
but I believe it was Miss Halpenny and Miss Reaper  
as well.

10

Q. Well, why don't you take a look  
and perhaps, Mr. Registrar, you could provide  
Exhibit No. 334A. Now if you would look at the second  
to the last page, Mrs. Christie --

11

THE COMMISSIONER: Is it 334A?

12

MR. SHINEHOFT: Well, it was amended  
I believe, Mr. Commissioner.

13

14

15





F.13

1

2 THE COMMISSIONER: Oh, yes.

3

4 MR. SHINEHOFT: To show both the front  
and the back of 334.

5

6 THE COMMISSIONER: Yes. What page?

7

8 MR. SHINEHOFT: The second to the last  
page, Mr. Commissioner.

9

10 THE WITNESS: Yes, I got it.

11

12 MR. SHINEHOFT: Q Did you find that,  
13 Mrs. Christie?

14

A. Yes.

15

16 Q And those are the WIN sheets  
17 from March 9th to March 15th.

18

A. Yes.

19

20 Q And would you take a look at the  
21 date of Wednesday, March 11th?

22

A. Yes.

23

24 Q And indicate to the Commissioner  
25 who the nurses on duty were for the long night?

26

27 A. Yes. It was Miss Halpenny,  
28 Miss Reaper, Mrs. Lyons and Miss Harwood-Jones on 4B  
29 side.

30

31 Q Now does that refresh your  
32 memory at all as to who was in the room that being  
33 Room 441 when you went there and you saw Phyllis Trayner?

34

A. I believe it was Miss Halpenny

35





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7829

F.14

1

2 and Miss Reaper whom I know, to the best of my  
3 knowledge.

4 Q. And what exactly were they  
5 doing when you went into the room, Mrs. Christie?

6 A. I didn't stay there very long.  
7 I only went and they been just attending to Baby Pacsai.  
8 What they been really doing I don't know. I only  
9 asked Phyllis what should I do on our side and then  
I left. I hadn't been there very long.

10 Q. Now when you entered the room --

11 A. Yes.

12 Q. -- Phyllis was doing something.

13 What was she doing?

14 A. Just - I don't know. I haven't  
15 seen her doing really anything. Just taking care of  
16 that baby. Just, I don't know, maybe listening to  
the heart rate or something. I can't recall.

17 Q. Well, you can visualize what  
18 happened that evening?

19 A. Right.

20 Q. Correct?

21 A. Right.

22 Q. And you know that Phyllis  
23 Trayner was in the room?

24 A. Right.

25





F.15

1

2 Q. And that she was doing  
3 something. What exactly was she doing?

4 A. I just don't remember. I  
5 couldn't say. I don't know.

6 Q. Now you have indicated in your  
7 evidence that you had the opportunity to review the  
8 medical charts of some of the children who had died  
during this epidemic period; is that correct?

9 A. Not really review all of them.  
10 I just check on some of them if I been working on that  
11 day, if I was looking after that particular child.

12 Q. And so would it be fair to say  
13 you really didn't examine the medical chart of Kevin  
14 Pacsai?

15 A. No.

16 Q. Before coming here?

17 A. No, I did not.

18 Q. When you were in Room 431 were  
19 there any doctors there when you spoke to Phyllis  
Trayner?

20 A. I believe somebody been there,  
yes.

21 Q. There was a doctor there?

22 A. I believe so.

23 Q. And you recall the name of the  
24 doctor?

25





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7831

F.16

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A. No. I'm sorry, I don't recall.

2

Q. Was the doctor a male or a  
female?

3

A. I just don't remember. I  
couldn't tell you.

4

Q. Do you recall or can you recall  
what the doctor was doing?

5

A. No, neither, no.

6

Q. Now you indicated that the next  
time that you had any involvement with the child was  
when you saw Susan Nelles at the elevator with the  
child?

7

A. Right.

8

Q. And your evidence was that she  
was alone and carrying the child?

9

A. That is right.

10

Q. Now we have heard from  
Dr. Costigan who was there some time that evening and  
who treated that baby, and he says in Volume No. 45,  
page 24, line 11:

11

"Q. In any event, the child was then  
transferred to the ICU?

12

"A. Yes.

13

"Q. Did you take him there?

14

"A. Yes, myself and I think one or

15

16





F.17

1

2 or two of the nurses.

3

4 "Q. All right. Do you remember  
which nurses?

5

6 "A. Yes, I think it was Nurse  
7 Nelles and my other recollection was  
that it might have been the night  
supervisor as well."

8

9 Now he has given that evidence, and  
10 in the medical chart, medical record of Kevin Pacsai,  
11 there is just one small portion of it at page 65, in  
12 a note written by Susan Nelles she states that the  
babe was transferred to the unit accompanied by  
13 Dr. Costigan.

14

15 Now does that change your recollection  
16 of the events of that night?

17

18

19

20 -

21

22

23

24

25





G  
DM/PS

1  
2 A. No, it didn't change me. All that  
3 I saw Susan Nelles waiting for the elevator  
4 carrying the baby, that's all that I remember, I  
5 haven't seen the doctor, I wasn't there all the time  
6

7 O. But the doctor says that he  
8 ~~took~~ ~~had~~ to the ICU accompanied by a nurse;  
9 and you are saying that you don't recall that.

10 A. No, I only saw Susan Nelles  
11 waiting for the elevator, that's all.

12 O. Did you see the elevator door  
13 and Susan Nelles get into the elevator?

14 A. No, because I wasn't there any  
15 more, I left.

16 O. Where exactly were you when you  
17 made those observations, Mrs. Christie?

18 A. I was sitting across the elevator  
19 at the front desk.

20 O. What were you doing there?

21 A. I had just been doing some  
22 charting, marking some temperatures on my patients.

23 Q. And again do you recall what time  
24 of morning that was?

25 A. Well, it was about 5:30.

O. And how do you know what time of





1

2 morning that was?

3 A. Because I just happened to look  
4 at the clock.

5 Q. And how long was Susan Nelles  
6 there with the baby before you had to leave the  
7 nursing desk?

8 A. Well, when I left she was still  
9 waiting for the elevator.

10 Q. How long had she been there that  
11 you had observed her?

12 A. About maybe two or three minutes.

13 Q. It takes that long for an  
14 elevator to come at that hour of the morning, Mrs.  
15 Christie?

16 A. Well, it depends, but somewhere  
17 about that time, yes.

18 Q. And you also gave evidence  
19 that at the end of the shift you saw Phyllis Trayner?

20 A. Yes.

21 Q. That would be the morning of  
22 March 12th?

23 A. Right.

24 Q. And was there any discussion that  
25 took place between you and she at that time?

A. No.





1

3 Q. And are you surprised that you  
4 didn't discuss anything like that with her? You have  
5 indicated this morning I believe that an arrest, or  
6 a code is something that is of fairly significant  
7 importance to you and something that you usually  
remember; is that evidence correct?

8 A. Yes, but I don't think so we  
discussed anything at that time.

9 Q. Do you normally discuss a situa-  
10 tion of a baby arresting, or a baby getting into  
11 trouble, with the attending nurses to find out what  
12 happened with the baby?

13 A. No, not all the time because we  
14 are busy, we have to weigh up our babies and do things,  
feed babies so no, I don't think so.

15 Q. Do you recall that evening being  
16 a particularly busy evening?

17 A. Oh, yes, yes. I'd been like  
18 having babies in Room 418, and also in Room 421,  
19 so I would be into that room.

20 Q. But you did learn the next day  
21 that the baby had died?

22 A. Yes, I did.

23 Q. And you say you learned it from  
24 a nurse?

25





Christie  
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4           A.     Right.

3           Q.     And the nurse's name?

4           A.     I believe it was Miss Mandal, she  
5     was in charge on days.

6           Q.     And would this information be  
7     given to you at report when you came on duty?

8           A.     I think it was given before we  
9     came, yes, when we came on duty, right.

10          Q.     And do you recall specifically  
11     what was said between yourself and the nurse, or how  
12     this information was given to you?

13          A.     It was just given to us before  
14     report, and then we had report so we didn't have time  
15     to discuss that.

16          Q.     No information exchanged as to the  
17     cause of death?

18          A.     No, not to my knowledge.

19          Q.     And then there was a meeting I  
20     think the following Monday?

21          A.     Right.

22          Q.     At Liz Radojewski's house?

23          A.     Yes.

24          Q.     But you said that you were not  
25     invited to that meeting because they couldn't get  
   hold of you.





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5

2 A. Right.

3 O. But they did discuss this baby  
4 Pacsai at the meeting?

5 A. I wouldn't know.

6 Q. Was there any discussion, or did  
7 you have any conversation with any of the nurses who  
8 did attend the meeting?

9 A. No, I did not.

10 Q. So you to this day do not know  
11 what happened at the meeting?

12 A. Right.

13 Q. But you do recall overhearing a  
14 conversation that took place between Susan Nelles and  
15 Phyllis Trayner about the fact that Susan Nelles had  
16 been called at her home, in Belleville, during the  
17 time that she was off, by Liz Radojewski?

18 A. Right.

19 Q. And was Susan Nelles annoyed  
20 at this?

21 A. Yes, she was, because she had  
22 been on holidays and now she got a phone call from our  
23 head nurse, so she was rather annoyed because she  
24 was on holidays.

25 Q. What exactly did she say to  
Phyllis Trayner about this telephone call?





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6

2

A. She said:

3

"That silly Liz phoned me."

4

5

That she had been on holiday, those were her words.

6

Q. Was there anything else that was said?

7

A. That is all what I recall.

8

Q. Did Phyllis Trayner respond to that comment made by Susan Nelles?

10

11

A. I don't remember, I don't recall that. I don't know.

12

13

14

15

Q. You indicated in your evidence that you never really made the connection between, or the possible connection between this baby's elevated digoxin and the possibility of a coroner's inquest at that time.

16

17

18

A. No. At that time I believed Susan Nelles mentioned also that it might be an inquest for Baby Pacsai.

19

20

Q. And did you have any idea as to what would precipitate the inquest being held; why the inquest was being held?

21

22

23

A. No, I wouldn't know, no.

Q. And did you ask why?

A. No, I did not.

24

25





1

2

3

Q. Were you not inquisitive as to why  
this inquest might be held?

4

5

6

A. No, I just didn't know. I  
just didn't stay at the nursing station, they had  
been still discussing that, but I went to look after  
my patients.

7

8

9

Q. But that would have been the  
first inquest that you were involved in on a nursing  
team in your 24 years at the Hospital for Sick Children.

10

A. Right.

11

12

Q. You say you were not curious,  
or anxious to know why?

13

A. Well, I just didn't know. I  
just didn't stay with them, I went to my patients.

14

Q. And you didn't speak to anybody  
as to what the purpose of the inquest was, or why  
the inquest was being held?

17

A. No.

18

MR. SHINEHOFT: Thank you very much.  
Those are all the questions I have.

20

THE COMMISSIONER: Thank you. Mr.  
Shanahan.

21

MR. SHANAHAN: I just have a few  
questions very briefly, Mr. Commissioner.

23

24

25





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8

CROSS-EXAMINATION BY MR. SHANAHAN:

3

4

Q. Mrs. Christie, I understand that in fact you were not on duty for Stephanie Lombardo.

5

A. Right.

6

7

8

9

Q. And with respect to Baby Dawson I think you said you didn't have any recollection of any concern, other than at some point in time, and you couldn't be sure when, somebody said, or you heard it said, "How come she died?"

10

A. Right.

11

Q. That is Amber Dawson?

12

A. Right.

13

14

Q. Other than that, you have no specific recollection or evidence to give about Amber Dawson?

15

A. No.

16

17

MR. SHANAHAN: Thank you, ma'am. Those are all my questions, Mr. Commissioner.

18

19

THE COMMISSIONER: I think the same about Mr. Labow, Mr. Tobias?

20

21

MR. TOBIAS: The only information I have is that he is presently en route, he is on his way down.

22

23

THE COMMISSIONER: Yes. I think --

24

25

MS. CRONK: I have spoken to Mr. Knazan,





1

9           2 sir, and I think he would prefer to handle it that way  
3 and perhaps we could adjourn until 2:15 when Mr.  
4 Labow can be present.

5           THE COMMISSIONER: Yes. You have no  
6 objection to that, Mr. Knazan?

7           MR. KNAZAN: I could finish right now  
in about two minutes.

8           THE COMMISSIONER: I know you could,  
9 but you have the privilege of going second last, and  
10 we don't know what Mr. Labow, what pertinent questions  
11 he is going to ask that will add to your --

12           MR. YOUNG: Sir, might I suggest that  
we resume at 1:15 as opposed to 2:15?

13           THE COMMISSIONER: I suppose we could  
do that.

14           MR. SCOTT: That is outrageous.

15           THE COMMISSIONER: I agree with you, Mr.  
16 Scott. Your figure doesn't show it, but mine is used  
17 to good lunches. I think we will make it 2, would  
18 that compromise?

19           MR. YOUNG: Thank you, sir.

20           THE COMMISSIONER: All right, we will  
make it 2:00.

21           MR. TOBIAS: Thank you, Mr. Commissioner.  
22 ---Whereupon, at 11:55 a.m. the proceedings were  
23 adjourned to 2:00 p.m.

24





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2 THE COMMISSIONER: Yes, Mr. Labow.

3 MR. LABOW: Thank you for your indulgence,

4

Mr. Commissioner.

5

CROSS-EXAMINATION BY MR. LABOW:

6

Q. Mrs. Christie, you are aware  
on the night that Philip Turner died --

7

A. Who are you representing?

8

Q. I'm sorry, my name is Stephen  
Labow and I represent six sets of families including  
Philip Turner, Mathew Lutes and Real Gosselin and  
those are the three children I am going to be asking  
you about this afternoon.

12

You have already told Ms. Cronk that  
you were on the night that Philip Turner died and you  
were working the long night shift. That was the 31st  
of July. You have also told her that you did not  
recall going into Room 418 and you did not recall  
any discussion after Philip Turner died. Now, in the  
ordinary course if a child arrested and died on the  
night shift would you normally discuss it with other  
members of your team?

20

A. Not necessarily, no.

21

Q. So there was no set idea that  
if a child died while your shift was on that the  
nurses on the team would talk about it?

24

25





1

2                   A.     Maybe they would talk about  
3     it when they have coffee break but sometimes they  
4     would not talk.

5                   Q.     There was no set pattern where  
6     before you went off shift you would all sit down to  
7     talk about anything like that?

8                   A.     No, it was not.

9                   Q.     Do you recall how Susan Nelles  
10    was on that night, by any chance?

11                  A.     I'm sorry, I don't recall.

12                  Q.     If you were on shift and one  
13    of the nurses was very upset, is that something  
14    that you would take note of?

15                  A.     Yes, you probably would but if  
16    you were in another room you probably would not  
17    notice that.

18                  Q.     On that night you had five  
19    children in Room 421.

20                  A.     Yes.

21                  Q.     And were apparently helping out  
22    on Ward 4B as well.

23                  A.     Yes.

24                  Q.     Do you recall at the end of the  
25    shift meeting any of the other nurses on the team  
   and discussing anything?





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A. I would not think so. If you've got five in 421 plus being on B side you would be very busy.

3

4

5

6

7

8

Q. When you finished your shift before you left would you have to check out with the team leader or anything like that?

9

10

A. No, I would just give her report on my patients.

11

12

Q. Do you recall any mention being made of an arrest and death that night?

13

14

A. If there was an arrest I was there but we probably did not discuss it.

15

16

17

Q. Okay. You were also on the night that Matthew Lutes died. That was early in the morning on the 17th of November. Now on that night as well Susan Nelles was watching Matthew Lutes. Do you have any recollection as to how Susan Nelles reacted that night?

18

19

A. I don't remember. I could not tell you.

20

21

Q. Do you recall any discussion taking place with anyone on the team about the arrest and death?

22

23

A. No, I don't, sorry.

24

25

Q. Now, regarding Real Gosselin, you





1

2 worked the long night shift on the 17th of December.

3 A. Right.

4 Q. He had been admitted on the 16th.

5 A. Yes.

6 Q. When you came on on the 17th do  
you recall seeing Real Gosselin?

7 A. No, I do not recall, no.

8 Q. According to the WIN sheets for  
9 Wards 4A and 4B Nurse Lau was shared with 4B but  
10 according to the assignment book - rather the reverse -  
11 according to the WIN sheets it notes that you were  
12 shared with 4B that night but according to the  
13 assignment book it says Miss Lau was shared with 4B  
14 that night. Is it possible that both of you spent  
part of your time on Ward 4B?

15 A. It is possible.

16 Q. Do you recall one way or the  
17 other whether you spent any time on Ward 4B that  
night?

18 A. I don't recall.

19 Q. You indicated that you did have  
20 a child in Room 418 that night.

21 A. Yes.

22 Q. But you don't recall observing  
23 Real Gosselin.

24

25





1

2 A. Right.

3 Q. Do you recall discussing anything  
4 with Nurse Nelles that night regarding Real Gosselin?

5 A. No, I don't recall.

6 Q. Do you recall any discussion  
7 that you had at the end of your shift with any of the  
8 nurses on your team?

9 A. No, I do not.

10 Q. In a situation where a number of  
11 children had died in a series of nights, do you  
12 recall that in mid-March of 1981 some time around  
13 the 10th ever discussing the number of deaths that  
14 occurred on the two wards?

15 A. I don't remember if I did. It is  
16 possible, but I do not recall.

17 Q. According to the Exhibit 383,  
18 you were on when a number of children died in March:  
19 Warner, Hines, Gionas, Manojlovich, Pacsai  
20 and Inwood. There were six deaths in a span of five  
21 nights. Do you have any recollection of any of the  
22 nurses being more upset than normal after that  
23 cluster of deaths?

24 A. I think we had been all upset  
25 about it - all the nurses.

Q. Do you specifically recall





1

2 discussing this with anyone on your team?

3 A. Maybe we did but I don't remember.

4 Q. You don't have any specific  
5 recollection of what you might have discussed?

6 A. No.

7 Q. Did you yourself go to anyone  
8 such as your team leader or supervisor to discuss  
the problem?

9 A. No, I did not.

10 MR. LABOW: I have no further questions.

11 THE COMMISSIONER: Thank you, Mr.  
12 Labow. Mr. Olah.

13 CROSS-EXAMINATION BY MR. OLAH:

14 Q. Good afternoon, Mrs. Christie.

15 I act for Janet Brownless who I am sure you are aware  
16 of. Just a couple of questions. I would like to  
clarify a few things with you.

17 You know that Miss Brownless did not  
18 start at the hospital until late August of 1980.

19 A. Right.

20 Q. And you are also familiar with the  
fact that she had no pediatric cardiology background.

21 A. Right.

22 Q. In fact from time to time she  
23 would come to you and ask you questions during the fall.

24

25





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2 as she was becoming familiar with the ward?

3 A. Not really. I don't recall that  
4 she came to me to ask me questions.

5 Q. There was one incident that you  
6 can help me with. Apparently the long night that  
7 Richard McKeil arrested --

8 A. Yes.

9 Q. Miss Brownless testified that  
10 she came to you to find out what she was supposed  
11 to do during the course of an arrest. Do you remember  
12 that happening?

13 A. Yes, I do.

14 Q. That would have been on October  
15 15, 1980.

16 A. Right.

17 Q. That was just sort of an example  
18 of how Miss Brownless at that time was still fairly  
19 new on the ward and was not familiar with procedures.

20 A. Right.

21 Q. And also with some of the more  
22 sophisticated problems that she would encounter.

23 A. Right.

24 Q. I would like to discuss with you  
25 a couple of other matters. I would like to take you  
to Baby Estrella. You testified at length about this





1

2 baby. In particular you said that the night that the  
3 child died, she died actually in the morning, that  
4 you had your first coffee break somewhere between  
5 10:30 and 11.

6 A. Right.

7 Q. Do you remember talking about  
8 that?

9 A. Yes.

10 Q. You said when you were at the  
nursing station Janet Brownless was also there.

11 A. I believe so.

12 Q. That was your evidence. I would  
be glad to refresh your memory any time you need it.  
13 I was not sure - how long was your coffee break? Was  
14 it about half an hour?

15 A. Yes.

16 Q. Was Janet with you throughout  
most of that period of time?

17 A. I could not say if she was. She  
could have, but I could not say.

18 Q. I suggest to you that she was  
there for most of that period of time.

19 A. Yes.

20 Q. Do you agree with that?

21 A. I'm not sure but she probably -

22

23

24

25





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2 I'm not sure, I could not say.

3 Q. What is your best recollection?

4 Is your best recollection that she was with you most  
5 of that period of time with you at the nursing station?

6 A. I did not pay much attention.

7 She could have been but I'm not certain.

8 Q. But she certainly was there for  
9 a substantial period of time.

10 A. Right.

11 Q. By the way, was she there when you  
12 arrived at the nursing station?

13 A. Yes.

14 Q. She was. Do you remember what she  
15 was doing?

16 A. Probably having coffee, I'm not  
17 sure.

18 Q. She is famous for having coffee  
19 as I understand it on the ward.

20 A. Right.

21 Q. It was some five or ten minutes  
22 later I think that Mrs. Scott came out. Do you  
23 remember talking about that?

24 A. Right.

25 Q. I suggest to you that Miss  
Brownless was still there at that time.





1

2 A. Right.

3 Q. Then I think you testified that  
4 Mrs. Scott got some coffee and then she went back within  
5 a short period of time.

6 A. Not short period, maybe after  
7 10 or 15 minutes.

8 Q. I suggest to you that when Mrs.  
9 Scott went back into the room Janet Brownless was still  
at the nursing station.

10 A. I think so.

11 Q. Now then, we move to the lunch  
12 that you had that night. We are still talking about the  
13 Baby Estrella and the long night that she died.

14 A. Right.

15 Q. I think you said that you had  
16 your lunch between 1 and 2 that morning.

17 A. Right.

18 Q. And you said that also when you  
19 were having your lunch Janet Brownless was present  
20 at the nursing station. Do you remember saying that?

21 A. Yes.

22 Q. Do you know if she was having  
23 her lunch at the same time as you were that night?

24 A. I would think so. I am not  
25 quite certain but I would think so.





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Q. Is that your best recollection?

3

A. Yes.

4

Q. Do you recall whether she arrived  
at the nursing station or she was at the nursing  
station when you arrived or she arrived after you?

5

A. I could not say for sure, I don't  
recall.

6

Q. But in any event I suggest to you  
that she was there with you during the lunch hour for  
a substantial period of time.

7

A. Right.

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EMT.jc 1  
BB

2 Q. And she certainly was there  
3 when Mrs. Scott arrived at the nursing station about  
4 ten minutes after you got there?

5 A. Right. Yes.

6 Q. And I think you said that  
7 Mrs. Scott stayed on that occasion about ten minutes?  
Ten to fifteen minutes?

8 A. To my best recollection about  
9 ten minutes, yes.

10 Q. Okay. And then she went back  
11 into what you presumed was Estrella's room?

12 A. Right.

13 Q. And when she left the nursing  
14 station I suggest to you that Janet Brownless was  
still there having lunch?

15 A. Right.

16 Q. I wanted to be clear about  
17 one other baby: again it is a baby dealing with  
18 constant nursing care. That's the child Cook. Do  
19 you remember the night that Baby Cook died?

20 A. Right.

21 Q. And you had a baby by the name  
of Harpen in Room 418.

22 A. Right.

23 Q. And that child had just

24

25





BB. 2

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2 recently been transferred up from ICU?

3 A. Right.

4 Q. And it needed a lot of attention?

5 A. Yes.

6 Q. It was for that reason that  
you were in that room every hour?

7 A. Right.

8 Q. You were in that Room 418, I  
suggest to you, fairly frequently that evening?

9 A. Yes.

10 Q. Because you were concerned about  
that child?

11 A. That is right.

12 Q. And I suggest to you that unlike  
in the Estrella case the Cook baby was always  
attended by a registered nurse? Either Susan Nelles  
or Phyllis Trayner?

13 A. That's right.

14 Q. At no time did you see that  
child unattended?

15 A. That is correct.

16 Q. Okay. Now I think you testified  
that you took your first coffee break that night  
and when you arrived at the nursing station Janet  
Brownless and Susan Nelles were there?

17

18

19

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BB.3

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A. Yes.

2

Q. And in fact you observed

3

Janet Brownless and Susan Nelles return to Room 418  
4 together?

5

A. I saw them leaving but I don't  
6 know whether they did go back or --

7

Q. Fair enough. You are actually  
8 right. You don't know --

9

A. Yes.

10

Q. -- whether Janet Brownless went  
11 to 418?

12

A. Right.

13

Q. And did you see Phyllis Trayner  
return shortly after that to the nursing station?

14

A. I don't recall. To the best  
15 of my recollection I remember when Mrs. Lynn Johnstone  
16 came. It was after 12 o'clock that I believe she  
17 went to 418 and she talk with Phyllis Trayner in  
18 Room 418.

19

Q. All right. But you see what  
I am just curious about is after Susan Nelles went  
back in to presumably 418 and her relief, Phyllis  
Trayner, was then discharged of her obligations, did  
you see her return to the nursing station or not?

23

A. I don't recall that. I couldn't  
24 say.

25





BB.4

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Q. All right. And then you said  
that you had your lunch break that morning at about  
3 o'clock in the morning?

5

A. Right.

6

7

Q. And you said in testifying when  
you were questioned by Miss Cronk that Janet Brownless  
again was at the nursing station?

8

A. Yes.

9

10

Q. And did you have a long lunch  
that day? Did you have your normal 45 minutes?

11

12

A. No, no, I had a short lunch that  
day because I been busy.

13

Q. Okay. Do you remember how long  
Janet Brownless was there while you were having lunch?

14

A. She left together with me and  
Susan Nelles. We all left together.

16

17

Q. Do you remember what time that  
would have been?

18

A. Twenty to four or something like  
that.

19

Q. Twenty to four?

20

A. Yes.

21

Q. Thank you. I have just one final  
area I would like to canvass with you, ma'am, if you  
would bear with me.

24

25





BB. 5

I understand there are several rooms in the Hospital where - in the basement - where lockers for nurses and nursing assistants are to be found?

A. Yes.

Q. Is your locker in the same room as Phyllis Trayner's?

A. No. No.

Q. How many rooms are there that contain lockers?

A. Probably six or seven.

Q. Okay. And Janet Brownless' locker is not in the same room as Phyllis Trayner's?

A. No.

Q. Do you know, by the way, is there numbers on these lockers?

A. Yes, they are numbered, yes.

Q. Okay. Do you know, for example, before these incidents with the X's happened did you know which room Phyllis Trayner's locker was in?

A. No, I don't know.

Q. And more particularly you didn't even know what number her locker was, did you?

A. No, that's right.

Q. And you didn't know where





Phyllis Trayner banked, did you?

A. Oh, no, I didn't.

Q. And that was not something that was generally known in the ward?

A. That is right.

Q. And similarly, knowledge of where individual nurses have their lockers was not something that was commonly known on the ward?

A. No, unless you have somebody with the same lockers, then you would know, but otherwise, no.

Q. You mean some nurses shared lockers?

A. No, I mean in the same locker room they got lockers, same room.

Q. By the way, is there some policy that nurses have their lockers in one room and nursing assistants in another room?

A. No, we are all mixed up.

Q. That is just sheer coincidence, is it?

A. Right.

Q. And of course - I suggest to you you didn't know where Phyllis Trayner's husband worked, did you?





BB. 7

1           A.       No.

2           Q.       Or that he worked in the Armouries  
3                     on weekends?

4           A.       No. I only know he belonged to  
5                     the Army, that is all, but otherwise I don't know  
6                     anything about him.

7           Q.       And did you know what kind of  
8                     car Phyllis Trayner drove?

9           A.       I remember once when she picked  
10                  me up that it was a navy blue car. That is all that I  
11                  remember.

12           Q.       Okay. And the kind of car she  
13                  drove wasn't well known on the ward, was it?

14           A.       Not to my knowledge, no.

15           Q.       Or, for instance, where her  
16                  husband worked?

17           A.       No.

18           Q.       Or what he did on weekends?

19           A.       No.

20           Q.       Now one other small matter I  
21                  would like to clarify with you: we have heard that  
22                  at the material time there was a refrigerator where  
23                  the nurses and the nursing assistants kept their  
24                  food.

25           A.       Yes.





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7860

BB. 8

2 Q. And would that be all of the  
3 nurses for 4A and 4B or just 4A?

4 A. No, all the nurses for A and for  
5 4B.

6 Q. So any night there would be, oh,  
7 10 nurses and their food on long nights in that  
refrigerator?

8 A. Right.

9 Q. And that is because the cafeteria  
10 is closed during long nights so everybody brought  
11 their food.

12 A. Right.

13 Q. Did nurses tend to bring their  
14 food repeatedly in similar containers or identical  
containers?

15 A. I wouldn't know.

16 Q. You wouldn't know that?

17 A. No.

18 Q. In fact you wouldn't know what  
19 container Sui Scott, for example, had her dinner or  
her lunch in?

20 A. No, I wouldn't know.

21 Q. Or Phyllis Trayner?

22 A. Right. I wouldn't know.

23 MR. OLAH: Thank you. Those are all

24

25





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BB. 9

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2 the questions I have.

3

4 THE COMMISSIONER: What time did the  
cafeteria or whatever it is, what time did it close?

5

6 THE WITNESS: They close about quarter  
7 to seven in the evening.

8

9 THE COMMISSIONER: They were not open  
10 at all then for the whole long night?

11

12 THE WITNESS: No. Now we got somebody,  
13 they are delivering on a cart. They deliver some food,  
14 about maybe 10 o'clock or 1 o'clock, but you can't  
15 buy many things. Just maybe sandwiches or some  
16 dessert or some soup maybe.

17

18 THE COMMISSIONER: What about this  
microwave oven that they talked about? Where was it?

19

20 THE WITNESS: That was downstairs. We  
got one on the service floor and one on the main floor.

21

22 THE COMMISSIONER: Is that where the  
cafeteria was or anywhere close to it? No?

23

24 THE WITNESS: On the service floor it  
is opposite the cafeteria, and on the main floor it  
is close to the Admitting.

25

26 THE COMMISSIONER: Were they available?  
Do they work all the time?

27

28 THE WITNESS: Yes, they work, yes.

29

30 They been open for parents and, yes, all night open,

31

32

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BB.10

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2 yes, and you could buy some foods there, or beverages.

3

4 THE COMMISSIONER: Now the cafeteria,  
5 was the room open so that you could go and sit there  
6 if you wanted to?

7

THE WITNESS: No.

8

9 THE COMMISSIONER: They close the  
10 whole ... yes, all right.

11

12 MR. OLAH: Just one question if I may  
13 follow up, Mr. Commissioner?

14

15 Q. You remember the night you saw  
16 pills in the salad?

17

A. Right.

18

19 Q. Did you use to bring food your-  
20 self that you would warm up from time to time?

21

A. Me?

22

Q. Yes.

23

24 A. Most of the time I just brought  
25 food which you wouldn't have to warm up, no.

26

27 Q. I guess the question I really  
28 wanted to ask was this: Do you know if that night  
29 the microwave was working?

30

31 A. I know because Mrs. Lyons went  
32 later and she warmed up some soup or something and it  
33 was working, yes.

34

35 Q. As far as you know it was working  
36 that night?

37





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BB.11

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2 A. Right.

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The other thing that I should have asked you and I forgot was this: Did nurses label their dinners or their bags that they brought their dinner or lunch in on long nights?

7

A. Not to my knowledge, no.

8

MR. OLAH: Thank you.

9

THE COMMISSIONER: yes. All right, thank you.

10

MR. OLAH: Mr. Commissioner, I would like to clarify at some point this afternoon still a matter that has been troubling me for some period of time. Unfortunately Mr. Hunt isn't here. Perhaps I can voice my concerns after this particular lady is completed. It is a very brief matter that I would like to clear up and I am sure my friend will be able to clear it up for me or convey my problem to Mr. Hunt and he can resolve it when he comes back.

11

THE COMMISSIONER: Yes. All right.

12

MR. OLAH: Thank you.

13

THE COMMISSIONER: Well, do you want --

14

MR. OLAH: Well, I am content now and perhaps it might be more convenient when Mrs. Christie has completed her evidence.

15

THE COMMISSIONER: I think you will

16

17





BB.12

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2 have us all sitting on the edge of our chair.

3 MR. OLAH: I wouldn't want to do that.

4 THE COMMISSIONER: We won't be able  
5 to concentrate on the evidence if you don't tell us  
what it is.

6

7 MR. OLAH: If you will give me a moment  
I will pull the transcript and the passage that  
concerns me.

9

10 THE COMMISSIONER: Yes. All right.

11 MR. OLAH: The matter that troubles me  
12 is the matter that I objected to during the cross-  
examination by Mr. Hunt of my client Janet Brownless.

13

14 You will recall, sir, that there was  
15 a cross-examination with respect to a statement that  
16 was given by a Miss Rankin and that related to  
certain conversations that Miss Rankin and my client  
had in October of 1980.

17

18 And then there was a discussion about  
19 a telephone call between Rankin and Brownless. It  
was in that context that my client was asked whether  
you - and I am referring to Volume 117, page 6553  
20 and the question was:

21

22 "Did you tell her (that's Rankin) at  
all that you just didn't want to get  
23 involved in this thing as a witness?"

24

25





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7865

BB.13

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2 And I objected at that time.

3 You said that you thought it was a  
4 proper question, sir, because of the statement made  
5 by Rankin. I reviewed the statement by Miss Rankin.  
6 There was absolutely nothing in that statement that  
7 alluded either to the telephone discussion or to the  
particular matter that Mr. Hunt referred to.

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/DM/ak

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2 I then, thanks to Mr. Percival, checked whether  
3 his clients, the police, were aware of anything  
4 of that kind ever occurring, and he indicated that  
5 he wasn't. I just thought I would clarify with  
6 Mr. Hunt that he is not aware of anything like that,  
7 and so that any suggestion of that kind can be put  
8 to rest.

9 THE COMMISSIONER: Well, I take it  
10 your client answered though, didn't she?

11 MR. OLAH: She did, sir.

12 THE COMMISSIONER: What did she  
13 say?

14 MR. OLAH: She said, no. I just  
15 want Mr. Hunt to indicate that so I can put that  
16 matter to rest, because it has been something that  
17 has been troubling me. As far as I know there is  
18 absolutely no evidence to suggest, or even hint of  
19 anything like that, in fact my client was --

20 THE COMMISSIONER: You know often  
21 questions are put and the answer is, no, and if  
22 there is no contradiction I am certainly not going  
23 to assume because of the question that there is  
24 any truth in it.

25 MR. OLAH: Or maybe that some  
other people, not you, sir, I know you wouldn't, but





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7867

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2 because of the kind of publicity that has attended  
3 this matter I would like to lay that matter to rest,  
4 and I would ask Mr. Hunt to just confirm what  
5 Mr. Percival has said.

6 THE COMMISSIONER: The request has  
been made, Miss Cecchetto.

8 MS. CECCHETTO: I can indicate, sir,  
9  
10 on the transcript that Mr. Hunt basically just  
11 indicated he was asking the question, I know he had  
no information to that effect. But he did ask the  
question, he didn't suggest there was information.

12 MR. OLAH: I am grateful for  
13 Miss Cecchetto indicating that there was no basis  
whatsoever for that, and I am delighted to hear that.

15 THE COMMISSIONER: I am surprised  
16 that there was no basis for it whatsoever, surely  
there must have been some basis for it.

MS. CECCHETTO: All I am saying  
is he had some concern in view of Miss Rankin's  
statement, he had interviewed Miss Rankin, he didn't  
have any information.

THE COMMISSIONER: I see.

MS. CECCHETTO: To that extent,  
my friend is suggesting that Mr. Hunt was trying to  
put forward that he had interviewed Miss Rankin and





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on that basis he was putting forward a suggestion  
that Miss Rankin had told him that; that is not  
the case and he didn't have that information from  
the police.

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In fairness to Mr. Hunt, on the  
record, he does indicate that he is asking the  
witness the question in view of the statement of  
Miss Rankin.

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MR. OLAH: You see, sir, that sort  
of concerns me. I am much obliged for the frankness  
that there is no basis whatsoever. If there is  
no basis whatsoever then why --

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THE COMMISSIONER: I am sorry,  
that is not quite what she said. There was  
apparently some statement by Miss Rankin that  
justified the question.

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MR. OLAH: Well --

THE COMMISSIONER: But it isn't  
evidence.

19

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21

MR. OLAH: But you see, sir,  
the statement relates to a conversation in October,  
it didn't relate to a conversation in April of 1981.

22

23

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THE COMMISSIONER: Yes.

MR. OLAH: So that the statement  
gave no basis for that. That is what I was trying

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3 to clarify. I am just wondering why that kind of  
4 question would be asked knowing that there is no  
basis.

5

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7 THE COMMISSIONER: I think you go  
8 too far when you say there is no basis. He was  
9 asking to see if there was any basis, and that is  
because it had been suggested apparently in the  
statement of Miss Rankin.

10

11

12 MR. OLAH: Absolutely not, there  
13 is no suggestion of that in the statement and that  
14 is why I am wondering why --

15

16

17 MS. CRONK: Sir, to assist you,  
18 and I hope it will assist. My friend is quite  
19 correct that at the time this particular exchange  
20 developed he objected at the time to Mr. Hunt's  
21 questions. My recollection of it, not having the  
22 relevant transcript in front of me is that you  
23 ruled at the time that Mr. Hunt's question was proper  
24 and that it could be put, and more particularly in  
light of Miss Brownless' immediate negative answer  
the matter was left there. It seems to me at this  
stage perhaps, and I think perhaps on the point that  
Mr. Olah is raising it is clearly now into a matter  
of argument, the exchange was made at the time,  
you ruled at the time, the question was ruled to

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be proper, and it is now a month later.

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MR. OLAH: Well, it is not quite a month later.

5

MS. CRONK: Well three weeks.

6

MR. OLAH: The problem has been that we had a holiday in between.

7

You see, Mr. Commissioner, what I am concerned about is suggestions being made that really have no fact or foundation. They are then alluded to then in the media and it seems to me that very particularly the Attorney-General's representative should not be, in my respectful submission, engaged in conduct of that kind because it really doesn't assist you, sir, and I am very concerned and I am sure Mr. Hunt - I will leave it at that.

16

MS. CECCHETTO: I think there again, Mr. Hunt indicates clearly when he is asking that question in that portion of the transcript and he is simply enquiring of the witness if she made a statement. I don't think he is suggesting he has spoken to Miss Rankin, or that he has any information that has been provided to him by Miss Rankin, he is suggesting the statement creates a concern and he is asking the witness.

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MR. OLAH: Well, every time there  
is an inconsistent statement there may be concern.  
Anyway I raise that concern, sir, because it  
troubled me a lot and I leave it at that.

THE COMMISSIONER: If it is any  
comfort to you it doesn't trouble me at all. Your  
client's answer is the answer I accept in the  
absence of any other evidence, there is no other  
evidence that has been tendered that would suggest  
what she says is not precisely what happened.

MR. OLAH: As Mr. Percival says  
there is none, sir. Thank you.

THE COMMISSIONER: All right.

Mr. Knazan?

RE-EXAMINATION BY MR. KNAZAN:

Q. Mrs. Christie, you recall on  
Thursday I asked you if you had spoken to the  
Metropolitan Toronto Police in November of 1982  
about Baby Estrella?

A. Yes, sir, I did.

Q. Did you also meet with  
members of that police force on July 7th, 1982?

A. July 7th? Yes.

Q. At the Hospital?

A. Yes.





1  
2 Q. And I suggest at that time  
3 they asked you what you knew about Baby Estrella,  
4 is that correct?

5 A. Right.

6 Q. And you told them that you  
7 remembered that Sui came for her breaks, plural,  
8 and no one was relieving her, do you recall telling  
9 them that at that time?

10 A. Yes, I do.

11 Q. Before you made that statement  
12 to them, had you read any of the evidence at the  
13 Preliminary Inquiry regarding Susan Nelles?

14 A. No, I didn't have any evidence  
15 at all.

16 Q. And particularly you had not  
17 read the evidence of Shirley Anne Parcels in Volume  
18 20?

19 A. No, I didn't, no.

20 MR. KNAZAN: Thank you. Those are  
21 all my questions.

22 THE COMMISSIONER: Thank you.  
23 Miss Cronk?

24 MS. CRONK: Thank you, sir.

25 RE-DIRECT EXAMINATION BY MS. CRONK:

Q. Mrs. Christie, you will be





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glad to know I have only a few questions and I won't  
take very long. I am puzzled over one matter. You  
will recall that during your evidence in chief we  
discussed the death of Kevin Pacsai, and that the  
death of that child came up again this morning  
during your discussion with Mr. Shinehoft; do you  
remember that?

3

A. Yes, I do.

4

Q. As I understood your previous  
evidence, you told me that you learned that Kevin  
Pacsai was experiencing difficulty on the night of  
his death while you were in Room 418 tending to  
one of two patients that you had in that room that  
night, is that correct?

5

A. Right.

6

Q. You have also testified that  
at that time Mrs. Trayner was in Room 418 tending  
to a baby in an Ioselette, and you think that the  
alarm rang at about ten to four, that you were  
both in Room 418 and when the alarm rang Mrs. Trayner  
left the room, do you remember saying that?

7

A. Yes, I do.

8

Q. You told Mr. Shinehoft this  
morning, as I understood it, that the patient being  
attended to, or cared for by Mrs. Trayner was one of

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your patients; did I hear you correctly?

3

A. This is what I believed, yes.

4

Q. And you recall you had two  
patients that night in Room 418?

5

A. Right.

6

Q. And I am going to suggest to  
you that the only patients in Room 418 that night  
were yours; I am going to refer you as well to  
a portion of your previous evidence at Volume 120,  
and I don't think you will need the transcript, but  
if you would like to see it simply ask me for it.

7

This is found, sir, at page 7457,  
where we were discussing the timing when the  
alarm went off for Kevin Pacsai and what you were  
doing in Room 418 and who was there, and you gave  
this answer:

8

"And Phyllis went over and she attended  
a baby first in 418 in an Isolette.  
So Phyllis went over, so, I finished,  
I looked after that baby, changed the  
diapers and then after I went to  
Phyllis to ask what should be done  
for that baby in the Isolette,  
because I didn't look after that  
particular baby. So, I went to 431

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"where Kevin Pacsai had been and so  
Phyllis told me to change the diaper  
and take temperature on that baby  
and that baby didn't need to be fed.  
That baby was on NG tube feeding and  
I came back to my floor and looked  
after all the children on 4A side."

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Do you remember giving that  
evidence, Mrs. Christie?

A. Yes, I do.

Q. It had been my understanding  
from that exchange that your evidence was that  
the patient that Mrs. Trayner was caring for in  
Room 418 was not one of your two patients, that is  
what you said previously, that you had not been  
caring for that baby in the Isolette in Room 418.

A. I been caring only Phyllis  
was doing something to that baby and I wouldn't know  
what, she was attending that baby in the Isolette,  
yes, but that was my patient.

Q. So that I am clear,  
Mrs. Christie. If it was your patient, and indeed  
I suggest that it was as you have suggested, because  
there were only two patients in Room 418 that night,  
and the assignment book indicates you were assigned





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the care of both of them. Can you help me as to  
why you would have to seek Mrs. Trayner out on Ward  
4B to find out what further care should be given  
to the child, because if it was your patient you  
would know that, wouldn't you?

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A. Yes, I would, but I asked  
her also what care should be given for the other  
patients on 5A, we had more patients on that floor  
as well.

Q. I'm sorry, on Ward 4A?

A. Sure.

Q. But do I have it then that  
your reason for going over to Ward 4B was not so  
much to find out what should be done with the  
patient in Room 418, because that was your patient?

A. Right.

Q. But to find out what should  
be done with respect to the other patients on Ward  
4A?

A. Yes. But also about that  
baby in the Isolette because I don't know what  
she was doing, and also to look for the other  
patients as well.

Q. I am sorry, I am not sure I  
even understood let alone correctly heard that answer.





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It was also to find out something about the patient  
in Room 418?

4

A. About that one patient, that  
particular one baby in the Isolette.

6

THE COMMISSIONER: 423 you mean?

7

THE WITNESS: Also the other  
patients in 423 and 25B, and we maybe had in 26 had  
patients, yes, we have more patients on our floor.

9

MR. KNAZAN: Before we get too far  
away, the answer was:

11

"Also about that baby in the Isolette  
because I didn't know what she was  
doing."

12

THE COMMISSIONER: That's right.

14

THE WITNESS: That's right.

15

THE COMMISSIONER: That is what  
I got. The baby in the Isolette was 423.

17

THE WITNESS: No, that was 418.

18

THE COMMISSIONER: 418.

19

THE WITNESS: Right.

20

MS. CRONK: That is the child  
Mrs. Trayner was looking after.

21

THE COMMISSIONER: All right.

22

MS. CRONK: Q. Just so that I am  
clear.

24

25





1  
2 A. Yes.

3 Q. I am showing to you the  
4 assignment book for Ward 4A, the night of March  
5 the 11th, the long night shift, do you recall we  
6 looked at this before?

7 A. Right.

8 Q. Do I read the entries  
9 correctly, as I have suggested, that there were  
10 only two patients in Room 418 that night both of  
11 whom were assigned to your care?

12 A. Right.

13 Q. Mrs. Trayner was the nurse in  
14 charge?

15 A. Right.

16 Q. And she had one patient in  
17 Room 423?

18 A. Right.

19 Q. Do you recall that?

20 A. Yes, I do.

21 Q. Do you remember my asking  
22 you earlier in your examination in chief why  
23 Mrs. Trayner would be doing anything with the baby  
24 in Room 418 if her own patient was in Room 423. I  
25 had understood you to suggest that she was not  
feeding the baby but she may have been changing the





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child's diaper.

3

A. Right.

4

5

Q. She was doing something with  
the child in Room 418 when Kevin Pacsai's alarm  
sounded; do I have that correctly?

6

A. That's correct, yes.

7

Q. That was your patient?

8

A. That's right.

9

10

11

12

Q. Can you help me please, do you  
recall now why it is that Mrs. Trayner was doing  
anything with respect to that child if it was your  
patient?

13

A. I just told you, I don't know.

14

15

16

17

Q. Are you certain in your own  
mind, Mrs. Christie, that the time the alarm went  
for Kevin Pacsai's Code 25 that Mrs. Trayner was  
in fact with you at all in Room 418?

18

A. Yes, I am sure.

19

Q. You are certain of that?

20

A. I am certain of that, yes.

21

22

23

Q. And is it your evidence that  
when the alarm sounded Mrs. Trayner went over to  
Ward 4B and that you followed her shortly after?

24

A. Maybe a few minutes after,  
yes, that's right.

25





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7880

1  
2 Q. And I suggest to you that  
3 one of your reasons in doing so was because you  
4 yourself had heard the alarm sound and you knew  
5 that there was an arrest occurring on Ward 4B?

6 A. Yes.

7 Q. Wasn't that one of the reasons  
8 that you went over there?

9 A. I went over there just to ask  
10 Phyllis what should I do on our side, that's all.

11 Q. And do you recall that the  
12 patients that you had in Room 418 figured in that  
discussion at all?

13 A. Also, oh yes, I asked about  
14 them too.

15 Q. Can you help me again why you  
16 would be asking Mrs. Trayner about your patients  
in Room 418?

17 A. I just don't know what she  
18 was doing to that patient, I have no idea, that is  
19 why I wanted to talk to her.

20 Q. You were not aware of what  
21 Mrs. Trayner had been doing with the patient in 418?

22 A. Right.

23 Q. Although you were there at  
24 the time?

25





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7881

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2

A. Right.

3

Q. Because you were attending to  
your other patients?

4

A. That's right.

5

Q. And you didn't observe what  
she was doing I take it?

6

A. No, not really, no.

7

Q. Perhaps I will leave the  
matter there. Dealing again with the nurses who  
were assigned the long night duty on March 11th,  
Mrs. Christie, and to assist you we have looked  
at Mrs. Trayner's assignments for that night and  
your own. You may wish to have it in front of you  
again. It is Exhibit 32A, sir, Tab 13, Mr. Registrar,  
32A.

15

A. Thank you.

16

Q. Can I ask you to turn,  
Mrs. Christie, to page 159, please, Tab 13, page 159.

17

Could I ask you to look,

18

Mrs. Christie, again at the nurses who were on  
duty that night, and the various patients to whom  
they were assigned. I am going to suggest to you  
that the two patients in Room 418 assigned to you  
that night were not gravely ill patients, were not  
very sick infants, because had they been they would

24

25





not have been assigned to your care given the  
normal practice on the ward, is that so?

A. Right, yes.

Q. And they were, as I have  
suggested, the only two patients in Room 418 that  
night?

A. Yes, that's right.

Q. Room 418 is the six-bed room?

A. Yes.

Q. So that that night it would  
appear, at least insofar as the infants were  
concerned, that there were not very many sick infants  
on Ward 4A side?

A. No, not too many.

Q. Room 418 in fact was well  
under capacity, it had two patients when it could  
hold six?

A. Right.

Q. And we note from the  
assignment book do we not that Miss Nelles was  
assigned to relieve on Ward 4B?

A. Right.

Q. Would it be fair of me to  
suggest that whenever a nurse was assigned from  
Ward 4A to relieve on 4B it meant that 4A was not





1

2

particularly busy because the nurse could be  
spared to go over and fulfill duties on 4B, is  
that fair?

5

A. That's fair.

6

7

Q. And that appears to have been  
the case on March 11th, the long night when Kevin  
Pacsai got into difficulty and Michelle Manojlovich  
died?

8

9

A. That's right.

10

Q. Is that correct?

11

A. Right.

12

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2 Q. Could I ask you to look over  
3 to the next page in the assignment book, page 161,  
4 this is the next night, March 12 and we note that  
5 there is another death on Ward 4B, that of Kristin  
6 Inwood in the early morning of March 13th and it  
7 seems that the patient assignments and the nursing  
8 assignments on Ward 4A were very similar to those  
9 that had existed the night before. Once again, there  
10 are only two patients in 418. Is that correct?

11 A. That is right.

12 Q. Once again they were both as-  
13 signed to your care?

14 A. Yes.

15 Q. Again, is it fair to suggest that  
16 that means the condition of neither had deteriorated  
17 further, they were not that gravely ill?

18 A. Right.

19 Q. Once again, there is a nurse from  
20 4A being spared or freed up from duties on Ward 4A to  
21 go relieving on 4B.

22 A. Right.

23 Q. And this time it is Mrs. Scott?

24 A. Yes.

25 Q. Once again obviously Room 418,  
the room that you have told us was used by the sickest





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7885

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infants, was well below even half occupancy, only two  
out of six patients.

3

A. Right.

4

Q. Could I ask you as well to look at  
Tab 89 of Exhibit 32-C, Mr. Registrar. Mrs. Christie,  
could I ask you to look at page 59 under Tab 89. Do  
you have that, Mrs. Christie?

5

A. Yes.

6

Q. These were the entries for July  
26th, 1980, Mrs. Christie, for the long night shift.  
That is the night when David Taylor became ill, arrested  
and died on Ward 4B and I note from the assignments  
that night that two of the nursing staff members on  
4A were freed up from Ward 4A and assigned to relieve  
on other wards, namely, Mrs. Scott and yourself.  
Do I have that correct?

7

A. That is right.

8

Q. That left, as I read the  
entries, two registered nurses to take care of all  
the patients on Ward 4A, namely, Mrs. Trayner, then  
Mrs. Morand and Miss Nelles.

9

A. That is correct.

10

Q. Would it be fair of me to suggest  
once again that on the basis simply of those facts  
it would appear that Ward 4A was not sufficiently busy

11

12





1

2 so as to require the services of all four of you that  
3 evening and two of them were permitted, including yourself,  
4 to go relieving elsewhere?

5 A. That is correct.

6 Q. Could I ask you to look as well  
7 please once again, I think you may have this in front  
8 of you, Exhibit 32-A. That is the other book you have,  
Tab 13.

9 A. Yes.

10 Q. This time to Page 13, if you  
11 would, Mrs. Christie.

12 A. Yes.

13 Q. Mrs. Christie, these are, and I  
14 direct your attention again to this time the nursing  
15 entries for the day shift for December 28th which  
16 you may recall is the day that Jesse Belanger died  
17 on Ward 4B. First of all you have told us, as have  
18 others, that on December 28th, 1980 Ward 4A and 4B  
19 were joined as one because it was the Christmas  
holiday period. Is that correct?

20 A. That is right.

21 Q. And as I read the entries it  
22 appears that during the day there were a total of  
23 five nurses inclusive of registered nursing assistants  
on duty on both those wards that day.

24

25





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7887

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A. That is right.

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Q. That was for all of the patients  
on 4A and 4B?

5

A. Yes.

6

7

Q. That I suggest compares to what  
would usually be a complement of 9 or 10 if we  
count both wards. Is that correct?

8

9

A. Yes.

10

11

Q. Usually during the day and usually  
at night there would be as many as 8, 9 or 10 nurses  
and registered nursing assistants on those two wards.

12

13

A. Yes.

14

Q. This particular day there were  
five in total and that is the day Jesse Belanger died  
on Ward 4B.

15

16

A. Correct.

17

18

THE COMMISSIONER: Before we leave

that, on Exhibit 383 Susan Nelles is shown as not being  
present in either ward.

19

MS. CRONK: That is correct, sir.

20

21

22

On December 28th she came in for the long night  
shift. I was referring Mrs. Christie to the day  
shift. You will recall Jesse Belanger got into  
difficulty at 6:30 p.m. on December 28th.

23

24

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THE COMMISSIONER: That is right.





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7888

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All right, thank you.

3

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Q. Could we look at one more, Mrs. Christie, another child who died on Ward 4B. In the same book could you turn, at the same tab, to page 151.

A. I don't believe I got 151 here.

The last one is 139.

Q. I think you are in the wrong tab.

Tab 13, page 151.

I would ask you to look at the long night nursing entries for this day, Mrs. Christie. This is March 7. You may recall this is the night that Jordan Hines got into difficulty, ultimately arrested and died in the early hours of March 8, again on Ward 4B. Do you recall that?

A. Yes.

Q. On this particular night as I read it there were four patients in total in Room 418, one of whom was assigned to your care, three of whom were assigned to Mrs. Trayner's care. Am I reading that correctly?

A. Yes, that is correct.

Q. Once again that room was not up to full complement but at this time there were four patients.





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7889

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A. Right.

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Q. One of them, however, I suggest was not gravely ill. That is the patient that was assigned to your care.

6

A. Right.

7

8

Q. Once again that follows from the fact that you were not normally assigned the very sick infants or children on that ward.

9

A. Right.

10

11

12

13

14

Q. Once again, would it be fair of me to suggest as we know it that Mrs. Scott from 4A was sent to relieve on Ward 4B, that that meant that Ward 4A was particularly busy that night so that she was freed up to go and relieve on Ward 4B.

15

A. Right.

16

17

18

19

20

21

Q. Mrs. Christie, on the basis of the deaths we have just looked at and the assignments, I am going to suggest to you that it appears in the case of those four or five children that we have looked at, all of them died on Ward 4B, that they died on nights when Ward 4B for one reason or another appears not to have been either fully staffed by Ward 4A nurses or not particularly busy. Is that fair?

22

A. Right.

23

Q. That is, Ward 4A was not

24

25





7                   particularly busy.

8                   A.      Right.

9                   Q.      Similarly, it would appear that  
10                  at least several of those cases, although we have not  
11                  looked at all the Ward 4B deaths, that on those nights  
12                  on Ward 4A there were in some cases not very sick  
13                  infants in Room 418 at all or if they were there were  
14                  very few, less than the normal full complement in that  
15                  room. Is that fair?

16                  A.      That is fair, yes.

17                  Q.      One other matter that I would  
18                  like to look at very briefly, Mrs. Christie, and ask  
19                  you to forgive the lack of artistry but I am confused  
20                  about the issue about the curtains around Justin  
21                  Cook's bed the night he died and I am hoping that  
22                  you can help me with it.

23                  A.      Yes.

24                  Q.      I am going to ask you to - I think  
25                  you will be able to stay in the witness box but feel  
                        free to get up and correct me if I go wrong. I am  
                        going to suggest from what you have told us that in  
                        Room 418, Justin Cook's room the night that he died,  
                        there were three beds against the wall where the  
                        observation windows led into the nursing station. Do  
                        I have that correctly?





1 A. That is correct, yes.

2 Q. I am going to ask you to accept  
3 for the moment that these boxes are in each case one  
4 of those three beds.

5 A. Right.

6 Q. Am I correct that the nursing  
7 stations on that basis would be to the right of those  
8 beds?

9 A. That is right.

10 Q. In each case there was a window  
11 immediately above those three beds from the nursing  
12 station looking into 418 or, the reverse, that you  
13 could look into the nursing station from Room 418.

14 A. That is correct.

15 Q. Were those windows immediately  
16 above each of those three beds?

17 A. Yes.

18 Q. There were also three beds on the  
19 other side of the room as I understand it in roughly  
20 the same position.

21 A. Right.

22 Q. And Justin Cook's bed you have  
23 told us was the middle bed on the right hand side of  
24 the room.

25 A. Right.





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7892

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9      2

Q.     This bed was Justin Cook's bed.

3

A.     Right.

4

5

Q.     As I understand it from your  
prior evidence and your discussion this morning there  
are curtains in that room or there were at the time, if  
one was to do so, fully around three sides of an  
infant's bed. Is that correct?

6

7

A.     That is correct.

8

9

10

Q.     Did those curtains run on a  
track attached to the ceiling?

11

12

13

A.     Right.

Q.     You told me previously in your  
examination in chief that on the night of Justin  
Cook's death his crib was flush up against the wall  
leading to the nursing station.

14

15

A.     Yes.

16

17

Q.     Is that correct?

A.     Yes.

18

19

Q.     So if the curtains were fully  
drawn, they would be drawn, if they were, around  
three sides of his bed on a track.

20

21

A.     They would be like two curtains,  
that is right.

22

23

Q.     That was my next question.

THE COMMISSIONER: Sorry, they would

24

25





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10      2      be like what - two curtains?

3      THE WITNESS: Two curtains, that is  
4      right.

5      THE COMMISSIONER: One curtain on the  
6      north side and one on the south side.

7      THE WITNESS: Yes, that is right.

8      Q. Am I correct that they would meet  
9      if they were fully drawn in the middle, so you would  
10     pull from the track on one side of the bed around  
11     half the crib and pull from the track on the other  
12     side of the bed around half the crib if you wanted to  
13     fully close them.

14     A. Right.

15     Q. You said this morning as I under-  
16     stood it and I believe you said when you testified last  
17     that they were not fully closed when you observed them  
18     shortly before Justin Cook's death on the morning of  
19     March 22nd.

20     A. That is my recollection.

21     Q. I think you suggested this morning,  
22     I believe it was to Ms. Forster that they were about  
23     a foot open on either side. Is that correct?

24     A. Yes.

25     Q. By either side did you mean that  
each curtain was a foot back from where it would have





Christie  
re. ex. (Cronk)

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been if it had been fully drawn closed?

3

A. Yes.

4

Q. So that about one foot here --

5

A. No, no, no, further down.

6

Q. Can you show me where they were open, please?

7

A. Like that, and that would have been here and that would have been here.

9

Q. Were the curtains, Mrs. Christie, was the curtain on each side of the bed the same width of curtain?

12

A. This one is wider. This one is not so wide.

13

14

THE COMMISSIONER: Would you just put an indication on just where that top curtain and the bottom curtain, if I can describe them that way, where they ended. Where did the top curtain end after it had been drawn?

18

19

THE WITNESS: This one would be ended here and that one ended here.

20

THE COMMISSIONER: So between the two of them there is a space of how much?

21

THE WITNESS: About maybe a foot.

22

Q. In total?

23

A. No, no, each side.

24

25





12

Q. So there was approximately a  
two foot opening?

13

A. Right.

14 Q. When you came into the room and  
saw the curtain.

15

A. Yes.

16

Q. Thank you. So this area then  
was open when you came in and that was approximately  
two feet?

17

A. Yes.

18

Q. Where was your patient in 418?

19

A. My patient was on the northwest  
side in that room.

20

Q. The top bed in this diagram?

21

A. Right.

22

Q. When you walked in the room you  
told us that Mrs. Trayner was sitting on a chair  
between two cribs.

23

A. Right.

24

Q. Can you tell me please where  
exactly she was sitting in the chair when you came  
in the room? Would you mark it with an X please?

25

A. She would be sitting here.

26

Q. She was then in between Justin  
Cook's crib and the crib on the immediate right side

27





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13        2 of the room as you entered.

3              A.     Right.

4              Q.     Where you put the X, I will just  
5              make it a little darker, is very close to Justin  
6              Cook's bed.

7              A.     Right.

8              Q.     She was sitting on the chair in  
9              that two foot opening by Justin Cook's crib. Do I have  
10              that correctly?

11              A.     That is correct.

12              Q.     Mrs. Christie, you saw Justin  
13              Cook several times over the course of that night?

14              A.     Yes.

15              Q.     Tell me, which was the foot end  
16              of that crib? Where was the child's head?  
17              Was it near the window into the nursing station or  
18              was it at the other end near where Mrs. Trayner was  
19              sitting?

20              A.     Near the window at the nursing  
21              station.

---

22

23

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EMT 1 =  
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2 Q. All right. So she was then  
3 sitting near the foot end of his crib?

4 A. Right.

5 Q. From where she was sitting when  
6 you walked in the room did she have her back to you?

7 A. Yes.

8 Q. From where she was sitting in  
9 that chair could she then see Justin Cook and his  
10 crib by virtue of the fact she was sitting in the  
opening?

11 A. Yes, she could see, yes.

12 Q. And when you were standing at  
13 the door --

14 A. Yes.

15 Q. -- when you came in, did you  
16 notice whether or not the blinds were drawn on that  
17 observation window leading into the nursing station  
or were they open?

18 A. I don't recall. I couldn't say.

19 Q. All right. Now we know that  
20 Justin Cook was on an intravenous line the night that  
21 he died, Mrs. Christie. Am I correct that when an  
22 intravenous line or apparatus is hooked up to an  
23 infant patient like Justin Cook that it rests on a  
pole of some kind beside the child's bed?

24

25





RE. 2

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A. Yes.

Q. All right. And it drapes in a manner of speaking over the pole with the tubing feeding down towards the child?

A. Yes.

Q. Can you tell me, please, when you came into the room that night at the end of your second break, at the end of your luncheon break which is when you have told us you think you saw these curtains drawn in this fashion --

A. Right.

Q. -- did you notice where Justin Cook's IV apparatus was?

A. I don't recall. I couldn't say.

Q. Do you recall observing it at all at that time?

A. No.

Q. All right. We know from the medical record (and this is found at page 28 of Justin Cook's medical chart, Mr. Commissioner) that he had that night an IV running into a scalp vein.

A. Yes.

Q. And I suggest then, and please tell me if I am incorrect, that that would necessarily mean that his IV apparatus would have to be located





EE. 1

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2 towards the nursing station side of the room on  
3 either side of the crib, either there or there  
4 (indicating) in order to feed into his head --

5 A. Yes.

6 Q. -- the scalp vein which you have  
7 told us was at the nursing station side. Do I have  
8 that correctly?

9 A. Yes. Right.

10 Q. Do you recall now where it was?

11 Which side?

12 A. No. I am sorry, I don't recall.

13 Q. If that be the case and it was  
14 on either side of the crib at the nursing station  
15 side - just to be clear about this if we look at the  
16 door to Room 418, do I have it correctly that it  
17 would be approximately on the south end about the  
18 middle of the room?

19 A. Right. Yes.

20 Q. All right. That's the door?

21 A. Yes.

22 Q. If Justin Cook's intravenous  
23 apparatus was at the head end of his crib near the  
24 wall by the nursing station side, would it be fair  
25 of me to suggest that someone standing at the door  
of Room 418 could not, with the curtains drawn in





ED. 1

2 the fashion that you have described, would not be  
3 able to observe where the IV apparatus was or what  
4 its condition was if they didn't come into the room?  
5 If they just stood at the door, given that the  
curtains were drawn in that position they wouldn't  
be able to see it?

A. No.

Q. And indeed would it be fair of  
me to suggest that unless one came into the room and  
stood somewhere close to that 2 foot opening in the  
drapes, one would not be able to see either the  
child clearly or the IV apparatus? Is that fair?

A. Yes.

Q. All right. And you have told  
us previously that when you were in the room standing  
by your patient's bed and you have told us where that  
was, that you really didn't have a clear view of  
Justin Cook's bed. Is that correct?

A. Right.

Q. You have told us as well that  
from where you were standing by your patient's bed  
you could only see Justin Cook just a little bit; not  
very much at all?

A. Right.

Q. All right. So even if you came





EE.5

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2 into the room and were standing at the last bed in  
3 the room on what I am calling the north side. it  
4 would then be very difficult to see Justin Cook's  
5 bed because of the fashion in which the curtains  
had been drawn around the bed?

6

A. Right.

8

Q. Is that right?

9

A. Yes.

10

Q. And then finally, Mrs. Christie,  
you have told us you don't remember whether the blinds  
on that observation window immediately above Justin  
Cook's bed were open or closed that night, and it is  
perhaps obvious but I am going to suggest to you if  
they were closed it would be impossible for anyone  
in the nursing station to be able to tell where  
Justin Cook's IV apparatus was inside those curtains,  
what its condition was or indeed observe anything  
about the IV? Correct?

11

A. Correct, yes.

12

THE COMMISSIONER: But if it weren't,  
if it weren't closed?

13

THE WITNESS: If it would be open you  
could probably see it, yes.

14

MS. CRONK: That was my next question,  
sir.

15

16

17





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Christie, re.dr.  
(Cronk)

7902

EE.6

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2 Q If those blinds were open,  
3 Mrs. Christie, and the IV apparatus was located near  
4 the head end of the bed on either side --

5 A Yes.

6 Q -- would it be possible to see  
7 that IV apparatus clearly through that window?

8 A You probably could see it, yes.

9 Q All right. Perhaps I will leave  
10 the matter there.

11 THE COMMISSIONER: The curtains - or  
12 not the curtains, but the blinds on the windows, were  
13 controlled from the nursing station?

14 THE WITNESS: Right. Outside, yes.  
15 About 19 inches by 21 inches.

16 THE COMMISSIONER: Yes. I meant the  
17 control?

18 THE WITNESS: Yes, the control --

19 THE COMMISSIONER: You move them up  
20 and down from the nurses' station?

21 THE WITNESS: Yes.

22 THE COMMISSIONER: Not from inside  
23 Room 418?

24 THE WITNESS: Not from inside, from  
25 outside.

MS. CRONK: Q Right. And Mrs. Christie,





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7903

EE. 7

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2 just one final point. Am I correct that both curtains  
3 that run on that track around - let's deal with  
4 Justin Cook's crib --

5 A. Yes.

6 Q. -- are curtains that go from the  
7 ceiling right to the floor or do they only go half way  
8 down to the end of the crib?

9 A. A little bit below, not right  
10 down to the floor, but covering the crib, yes.

11 Q. All right. Is there a space -  
12 is there a foot or more from the floor up that is not  
13 enclosed by the curtains when they are drawn?

14 A. Yes. Right.

15 Q. So they don't go completely to  
16 the floor?

17 A. Yes.

18 Q. But there is no way by which one  
19 could draw the curtains completely around four sides  
20 of the crib so as to block by the curtains the  
21 observation window? You can't do that?

22 A. No.

23 Q. All right. You could only do it  
24 at most completely around three sides of the crib?

25 A. Right.

Q. And the Commissioner's question





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EE.8

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2       is that the blinds on the window are controlled from  
3       the nursing station I think you said?

4                  A.       Right.

5                  Q.       Are they also controlled by - in  
6       Room 418, could a nurse in Room 418 close the blinds  
7       in Room 418?

8                  A.       Not to my recollection.

9                  Q.       That has to be done from the  
10      nursing station?

11                 A.       Right.

12                 Q.       Thank you very much.

13       And then one final point, Mrs. Christie,  
14       there was some discussion a few moments ago with Mr.  
15       Olah when you were discussing the night when you  
16       observed pills in Mrs. Scott's salad. Do you recall  
17       that?

18                 A.       Yes.

19                 Q.       And I believe he asked you  
20       whether or not the microwave oven that you said was  
21       located on two different floors in the Hospital,  
22       whether they were working at night?

23                 A.       Yes.

24                 Q.       And I thought your answer was  
25       that Mrs. Lyons had gone to use the microwave oven?

26                 A.       Yes.





EE. 9

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2 Q And had come back and it was  
3 working. Did I hear that correctly?

4 A Yes.

5 Q You have also told us, however,  
6 that when Mrs. Trayner came back with her soup during  
7 the course of that evening she had been complaining  
8 something about the cold that her soup wasn't very  
9 warm. Do you remember saying that?

10 A Yes, I do.

11 Q When did Mrs. Lyons go down to  
12 the microwave oven? Did that occur before or after  
13 Mrs. Trayner had gone down to warm up her soup?

14 A It happened after she went.

15 After Mrs. Trayner went. Mrs. Lyons went later.

16 Q And when Mrs. Trayner - you told  
17 us originally she went down with a nurse from Ward 4B  
18 to warm up her soup?

19 A Right.

20 Q Who was the nurse from 4B, do  
21 you remember?

22 A I am not sure but I believe it  
23 was Miss Halpenny.

24 Q All right. And when she came  
25 back up with the soup, having been downstairs to warm  
it up, did she make any comment at all about the





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Christie, re.dr.  
(Cronk)

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EE.10

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microwave oven that you now remember?

3

A. I think she mentioned something  
that microwave oven wasn't working properly or some-  
thing like that.

4

Q. All right.. And it was after that  
that you remember Mrs. Lyons going to use the micro-  
wave oven. Is that correct?

5

A. Correct.

6

Q. How do you know that when  
Mrs. Lyons went it was working?

7

A. Because Mrs. Lyons mentioned that  
she would warm her food.

8

Q. All right. Do you recall how  
long after Mrs. Trayner had gone down to warm her soup  
that it was that Mrs. Lyons went down to use the  
microwave oven?

9

A. About 15 minutes.

10

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7907

Christie  
re. ex. (Cronk)

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2 Q. About 15 minutes?

3 A. Yes.

4 Q. Do I have it correctly, Mrs.

5 Christie, that there are two microwave ovens --

6 A. Yes.

7 Q. -- that could have been used on the  
basis of what you told the commissioner this morning?

8 A. Yes, they are.

9 Q. There is one on the third floor?

10 A. No. There are two microwave  
11 ovens on the same floor, and there is also one on the  
12 service floor.

13 Q. I'm sorry. All right. So that one  
14 could choose which of those three microwave ovens  
15 to use?

16 A. Yes.

17 Q. All right. Do you know which one  
18 Mrs. Trayner went to use?

19 A. No, I don't know.

20 Q. Do you know which one Mrs.  
21 Lyons went to use?

22 A. No, neither.

23 Q. I take it then it is possible  
24 that the microwave oven that Mrs. Trayner attempted  
25 to use that night was not working but the one that





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7908

Christie  
re. ex. (Cronk)

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2 Mrs. Lyons went to use was working, assuming that  
3 they were different machines?

4 A. It is possible, yes.

5 Q. In any event, Mrs. Lyons had  
6 gone down to use it at a later point and you don't  
7 know whether or not the machine that she used had in  
8 fact been malfunctioning or not, working at an  
earlier point in the evening?

9 A. Right.

10 Q. All right. Then one final thing,  
11 and I promise that this is the final thing, Mrs.  
12 Christie: when a child is on constant nursing care  
13 as Justin Cook was the night he died, is there any  
14 particular rule or practice that applied on the ward  
15 as to what the lighting in that child's room was to  
be?

16 A. We always have light in that  
17 room. Always, all the time the lights are on.

18 Q. All right. Are those overhead  
19 lights or are they --

20 A. No.

21 Q. -- or are they lights located  
close to the child's bed?

22 A. No, close to the sink we got  
some and they are all the time on during the night.

23

24

25





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Q. All right. You told us about the sink previously in Room 418. In addition to the lights by the sink are there lights as well by the child's - each particular bed?

3

A. Yes.

4

Q. So that in Room 418 then would there be a light near Justin Cook's bed quite apart from the light that was near the sink?

5

A. Right.

6

Q. When you went back into the room after your luncheon break that night and saw the curtains drawn in the fashion that you have described to us, do you recall whether or not the light near Justin Cook's bed was on?

7

A. No.

8

Q. You don't remember one way or the other?

9

A. Right.

10

Q. Where is the light located?

11

A. At the sink?

12

Q. No, near Justin Cook's bed.

13

A. It is like an overhead lamp, overhead lamp near his - behind his bed. Behind his crib.

14

Q. Well, if the light wasn't on

15

16





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2 would you be able to see the bed at all?

3 A. You could see it because the  
4 other lights had been on, so you could see it.

5 Q. You don't remember on this  
6 particular occasion when you went in the room it was  
on or not?

7 A. No, I don't remember.

8 MS. CRONK: Thank you, Mrs. Christie.  
9 Thank you very much indeed.

10 I have no further questions, sir.

11 THE COMMISSIONER: Thank you, Mrs.  
12 Christie. That is it. We are grateful to you.

13 THE WITNESS: Thank you.

14 MS. CRONK: Sir, our next witness, as  
15 you know, is scheduled to testify beginning next  
Monday.

16 THE COMMISSIONER: Yes. All right.

17 MS. CRONK: We don't intend to call a  
18 witness tomorrow.

19 THE COMMISSIONER: All right. Well,  
20 I guess we will get a holiday then unless somebody  
would like to raise some terrible row about something.

21 MS. SYMES: Mr. Commissioner, looking  
22 slightly ahead could you indicate as to what your  
23 plans are as to sitting around the Easter break?

24

25





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THE COMMISSIONER: Well, I entertain  
a fond hope we will be finished with Phase I by the  
Easter break. Is that outrageous? It is outrageous  
you say, Miss Cronk?

3

MS. CRONK: I wouldn't use that word,  
sir. But I think it is perhaps a little optimistic.

4

THE COMMISSIONER: Well, it is not  
that outrageous. You haven't promised any more than  
two witnesses, and I haven't agreed to the calling of  
any witnesses. But that doesn't mean that somebody  
won't have them. What I mean by that, if we are  
finished that would probably be taking that time  
and other time to prepare for argument.

5

On the other hand, if we are not  
finished then I would normally think that Easter  
Friday - Good Friday and Easter Monday --

6

MS. SYMES: So you would plan to take  
both Good Friday and Easter Monday?

7

THE COMMISSIONER: Yes. Do you think  
that is thoughtful?

8

MS. SYMES: Respectful, sir.

9

THE COMMISSIONER: Yes. Okay. Well,  
that would be the plan, but we may be taking off  
more if we are finished by any chance.

10

MS. CRONK: Thank you, sir.

11

12





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7912

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2 Thank you, Mrs. Christie.

3

THE WITNESS: Thank you.

4

THE COMMISSIONER: Until Monday at

5

10:00.  
6 ---Whereupon, the proceedings were adjourned at 3:10  
p.m. until Monday, April 2, 1984 at 10:00 a.m.

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